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JOURNAL OF THE PROCEEDINGS

OF THE

South Dakota.

Constitutional Convention, 1885.

HELD UNDER AN ACT OF THE LEGISLATURE

AT

Sioux Falls, Dakota, September, 1885.

A. J. EDGERTON, PRESIDENT.

JOHN CAIN, SECRETARY.

1885

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Journal of the Convention.

SIOUX FALLS, DAKOTA, SEPTEMBER, 1885.

FIRST DAY,

September 8, 1885.

The Constitutional Convention of the counties of Dakota Territory lying south of the Forty-sixth parallel of north latitude met, pursuant to act of the Legislature, in Germania Hall, at the City of Sioux Falls at 12 o'clock m., on the 8th day of September, 1885.

The Convention was called to order by the Hon. J. H. Teller, Secretary of the Territory.

Prayer was offered by the Rev. A. Jamieson of Sioux Falls.

The roll of Delegates elected was called by Secretary Teller and the following Delegates answered to their names:

NAME.	COUNTY.
Alexander, Frank,	Campbell.
Allen, Joseph,	Turner.
Andrus, C. E.,	Hamlin.
Beebe, E. P.,	Minnehaha.
Berdahl, A. J.,	Minnehaha.
Booth, Steven M.,	Custer.
Britton, G. C.,	Spink.
Brookings, W. W.,	Minnehaha.
Brown, Robert J.,	Buffalo.
Campbell, H. J.,	Yankton.
Churchill, J. B.,	Spink.
Coffin, F. F. B.,	Beadle.
Conniff, T. H.,	McCook.
Corson, D.,	Lawrence.
Craig, F. H.,	Spink.
Cranmer, S. H.,	Edmunds.
Dollard, Robert,	Bon Homme.
Dow, J. T.,	Brown.
Edgerton, A. J.,	Yankton.
Frank, A. E.,	Lawrence.
Fisher, F. I.,	Spink.
Gault, Frank,	McPherson.
Gifford, C. S.,	Minnehaha.
Goddard, W. H.,	McCook.
Goddard, J. B.,	Minnehaha.
Gray, Isaac,	Hanson.
Gunderson, A.,	Jerauld.
Haines, A.,	Turner.
Hanson, J. R.,	Yankton.
Jones, S.,	Miner.
Kanouse, T. D.,	Sanborn.
Kellam, A. G.,	Brule.
Laybourn, G. R.,	Brown.
Lansing, L. W.,	Hand.
Lichtenwallner, W. A.,	Hughes.
Lowthian, N. I.,	Grant.
Maynard, C. J.,	Brule.
Macleod, C. J. C.,	Brown.
Mason, J. D.,	Brown.
McCallum, J. K. P.,	Beadle.
Miller, S.,	Hughes.
More, J. H.,	Beadle.
Moody, G. C.,	Lawrence.
Murphy, W. H.,	Hanson.
Myers, C. H.,	Spink.
Neill, Henry,	Grant.
Oaks, E. I.,	Minnehaha.
Owen, J. A.,	Kingsbury.
Patten, J. H.,	Miner.
Pendleton, H. F.,	Sully.
Potter, B. B.,	Walworth.
Reed, C. M.,	Sully.
Ryan, M. A.,	Aurora.
Schultz, M. J.,	Clay.
Snow, Geo. W.,	Bon Homme.
Stone, W. C.,	Potter.
Tousley, R. C.,	Turner.
Tychsen, N. C.,	Turner.
Walton, R. C.,	Brookings.
Ward, Joseph,	Yankton.
Ward, J. A.,	Hughes.
Weatherwax, S. C.,	Beadle.
Williams, M. E.,	Hand.
Westfall, I. M.,	Codington.
Wright, W. M.,	Brookings.
Wright, Geo. L.,	Lake.

The following oath was administered to the delegates present by Secretary Teller:

"I do solemnly swear that I will support the Constitution of the United States, and faithfully and impartially discharge the duties of delegate to the Constitutional Convention this day convened, so help me God."

On motion of Mr. Lowthian, the Hon. A. J. Edgerton, of Yankton county, was unanimously elected President of the Convention, and he took and subscribed to the following oath of office: "I, A. J. Edgerton, being duly sworn on oath, say I will faithfully and impartially discharge the duties of President of this Constitutional Convention, so help me God."

Upon taking the chair the President addressed the Convention.

On motion of Mr. Lowthian, John Cain was unanimously elected Secretary, and at once took and subscribed to the oath of office.

On motion of Mr. Brookings, H. M. Avery was unanimously elected Assistant Secretary, and at once took and subscribed to the oath of office.

On motion of Mr. Moody, the following Committee on Rules and Order of Business was appointed by the President: Moody, Kanouse, Campbell, Kellam, Ward of Hughes, Brookings, Neill.

On motion, the following delegates, now being present, and producing credentials to the Secretary, were sworn in by Secretary Teller: J. M. Baker, of Beadle county; H. H. Blair, of Union; Geo. G. Crose, of Hyde, Theodore Elfes, of Charles Mix, and J. W. Taylor, of Lincoln.

Mr. Kanouse offered the following resolution, which was adopted:

RESOLVED, That, the President of this Convention be requested to invite the several resident clergymen of this city to open the sessions of the Convention by prayer; said clergymen to arrange among themselves as to the order of their service.

Mr. Neill offered the following resolution, and moved its adoption:

WHEREAS, The Legislative assembly of the Territory of Dakota assumed the right to authorize the calling of a Constitutional Convention for that portion of the Territory south of the forty-sixth parallel, a movement which ought to have its origin from the people themselves of that portion of the Territory affected thereby; and

WHEREAS, It is not the desire of the people of this Territory that the same should be divided and said southern portion admitted separately to Statehood, but that they desire admission as a whole; therefore be it

RESOLVED, That this Convention do now adjourn SINE DIE.

Mr. Kanouse moved that the motion to adjourn SINE DIE be laid on the table, and the ayes and nays being called for, the following delegates voted aye: Alexander, Allen, Baker, Beebe, Berdahl, Blair, Booth, Britton, Brookings, Brown, Campbell, Coffin, Churchill, Conniff, Corson, Craig, Crose, Dollard, Edgerton, Elfes, Fisher, Frank, Gifford, Goddard of Minnehaha, Goddard of McCook, Gray, Gunderson, Haines, Hanson, Jones, Kanouse, Kellam, Lansing, Lichtenwallner, Maynard, McCallum, Murphy, Miller, Moody, More, Myers, Oaks, Owen, Patten, Pendleton, Reed, Ryan, Schultz, Snow, Stone, Taylor, Tychsen, Walton, Ward of Hughes, Ward of Yankton, Weatherwax, Williams, Wright of Lake, and Wright of Brookings—59.

Those who voted nay were: Andrus, Cranmer, Dow, Gault, Laybourn, Lowthian, Macleod, Mason, Neill, Potter, Tousley, Westfall.—12.

Mr. Westfall explained that he voted nay in order that discussion might not be cut off.

The motion to lay on the table was declared carried.

Mr. Moody moved to re-consider the motion to lay on the table, and that the motion to re-consider be laid on the table, which motion prevailed.

On motion, M. B. Kent, of Elk Point, was elected Sergeant-at-arms.

On motion, the Convention adjourned until 4 o'clock p. m.

AFTERNOON SESSION—4 o'clock p. m.

The Convention was called to order by the President in the chair.

On motion of Mr. Frank, the following delegates were appointed a committee to consider the application of J. W. Fowler, who was present, claiming to have been elected delegate, but without credentials: Booth, Frank and Corson.

The following delegates presented their credentials and were sworn in as members of the Convention by Chief Justice Edgerton: H. J. Grant, of Butte county; C. S. Lowe, of Deuel county; W. G. Ashton, of Roberts county; Jeremiah Gehon, of Lincoln county; C. M. Gregory, of Brule county; John Dahl, of Union county; J. P. Kendall, of Union county; Miles White, of Brookings county; David Bellon, of Hutchinson county; C. Buechler, of Hutchinson county.

The committee on the application of J. W. Fowler for a seat in the convention, submitted the following report which was duly adopted by the convention:

"The committee appointed to inquire into and report upon the eligibility of J. W. Fowler to a seat in this Convention, respectfully report that upon examination and upon personal knowledge and information they find that J. W. Fowler was on the 30th day of June, 1885, at Pennington county, D. T., duly elected a delegate to this convention from the county of Pennington, and recommend that he be admitted as such."

Mr. Fowler was then sworn in.

On motion the Convention took a recess of fifteen minutes.

Upon reassembling the committee on Rules and Order of Business reported as follows:

"Your committee on Rules and Order of Business have had the subject committed to our charge under consideration and beg leave to submit the following partial report, consisting of a list of the standing committees and their numbers. We shall be prepared to submit a complete report during tomorrow morning's session:

"The standing committees of the Convention shall consist of the following, and such as have been or may be created by the Convention and the first-named member of every committee shall be its chairman, and in his absence, or in case he is excused by the Convention, the next-named member shall constitute its chairman, and so on, unless the committee, in case of the absence of the first-named member, shall by majority of the members of said committee, elect a chairman."

STANDING COMMITTEES.

Judiciary, consisting of thirteen members; Executive and Administrative, consisting of seven members; Legislative, consisting of seven members; Bill of Rights, consisting of five members; Elections and Rights of Suffrage, consisting of seven members; Name, Boundaries and Seat of Government of State, consisting of seven members; Federal Relations, consisting of five members; Education and School Lands consisting of nine members; Municipal Corporations consisting of five members; Corporations, other than Banking and Municipal, consisting of thirteen members; County and Township Organization, consisting of seven members; State, County and Municipal Indebtedness, consisting of nine members; Revenue and Finance, consisting of seven members; Public Accounts and Expenditures, consisting of seven members; State Institutions and Public Buildings, including Penitentiaries and other Reformatory Institutions, consisting of nine members; Congressional and Legislative Apportionment, consisting of thirteen members; Mines Mining and Water Rights, consisting of seven members; Roads, Bridges and other Internal Improvements, consisting of seven members; Exemptions, Real and Personal, consisting of nine members; Rights of Married Women, consisting of seven members; Military Affairs, consisting of seven members; Banking and Currency, consisting of seven members; Amendments and Revisions of the Constitution, consisting of seven members; Printing, consisting of five members; Seal of State, Coat of Arms, and Design of same, consisting of seven members; Schedule, consisting of thirteen members; Miscellaneous Subjects, consisting of seven members; Compensation of Public Officers, consisting of seven members; Arrangement and Phraseology of the Constitution, consisting of nine members; Manufactures and Agriculture, consisting of nine members; Expense of this Convention, consisting of five members; Engrossment and Enrollment, consisting of five members; Preamble, consisting of seven members.

On motion of Mr. McCallum, the report of the Committee on Rules and Order of Business was adopted.

On motion of Mr. Moody the members of the Convention signed the oath.

On motion of Mr. Westfall the Convention adjourned until 9 o'clock a. m. September 9th, 1885.

SECOND DAY.

September 9, 1885.

The Convention met at 9 o'clock, pursuant to adjournment, and was called to order by the President in the chair.

Prayer was offered by Rev. A. Jamieson, pastor of the M. E. Church of Sioux Falls.

The following delegates presented certificates of election and were duly sworn in as members of the Convention: H. F. Fellows, of Aurora county; H. H. Sheets, of Kingsbury county; S. F. Huntley, of Jerauld; L. H. Weeden, of Lawrence; E. M. Jessup, of Faulk; K. G. Phillips, of Lawrence.

The Committee on Rules and Order of Business presented the following report, which report was duly adopted:

"Your Committee on Rules and Order of Business beg leave now to submit a further and complete report upon the subjects which they have had, by your order, under consideration, and in this further report we have thought it advisable to incorporate the partial report made and adopted at yesterday's session.

"We have submitted for the consideration of the Convention the number of employes which your committee deemed necessary to an orderly and prompt conduct of the business of the Convention, and we have also considered and reported what we, your committee, deem a just, but very reasonable compensation for the services of such employes, all of which is respectfully submitted.

1. A majority of the members of the Convention, who shall have qualified and not been excused by order of the Convention shall constitute a quorum, but a smaller number may adjourn from day to day.

2. The Convention shall keep a Journal of its proceedings, which shall be preserved, and upon the adjournment deposited with the President of this Convention to be by him filed with the Secretary of State or other keeper of the archives of the State of Dakota as soon as said officer shall be elected and qualified, and to be thereafter disposed of as provided by law. And such proceedings shall be published in pamplet form for general distribution.

3. Ten members shall be sufficient to demand the yeas and nays on any question, and when so demanded they shall be entered on the Journal.

4. Any member shall have liberty to have entered upon the Journal his protest and dissent against any act or resolution when such protest and dissent shall be made in writing in respectful and brief language, and filed with the Secretary, and such entry shall be made without debate.

5. The Convention may with the concurrence of two-thirds of all the members present, expel a member and the reasons therefor shall be entered on the Journal.

6. The Sergeant-at-arms and doorkeeper shall not permit any person, not a member or officer or employe of this Convention, to pass inside the railing at any time during the sessions, except reporters of the press, duly assigned as such by the President of the Convention, and such other persons as shall be invited therein by the President or the Convention.

7. No smoking shall be allowed in said hall during the sessions of the Convention, and no person shall be permitted to manifest any signs of approbation or disapprobation, either on the floor or in the lobby.

8. The President shall take the chair at the hour to which the Convention shall have adjourned, shall immediately call the convention to order and on the appearance of a quorum shall cause the journal of the preceding day to be read, unless such reading shall be dispensed with by order of the Convention. He shall preserve order and decorum, shall decide questions of order, subject to an appeal to the Convention by any one member, on which appeal no member shall speak more than once, unless by leave of of the Convention.

9. Except where the yeas and nays are demanded, as in these rules provided, all questions shall be determined either by putting them in the ordinary mode, or in case the President doubts, or a division be called for, by rising from the seats, unless count by tellers is ordered.

10. The President shall examine and correct the Journal before it is read; he shall have the general direction and control of the hall, and may name any member to perform the duties of the chair, but such substitution cannot extend beyond three days, and such substitute, during such time, shall be vested with all the powers of the President.

11. All committees shall be appointed by the President unless otherwise ordered by the Convention.

12. If any member, in speaking or otherwise, shall transgress the rules of the Convention, the President shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted to explain, and if appeal is taken to the Convention, a decision shall be had without debate; but this rule shall not apply to the point of order raised under provisions of rule 8.

13. Every member who shall be within the bar of the Convention when a motion shall be stated from the chair, shall vote thereon, unless he shall be excused. Any member desiring to be excused from voting shall make his request before the roll-call shall be commenced; he may then state concisely, without argument, his reasons for asking to be excused, and the question of excusing shall be taken without debate.

14. Every motion shall be reduced to writing if the President or any member requests it.

15. After a motion is stated by the President, or read by the secretary, it shall be deemed in the possession of the Convention but may be withdrawn at any time before decision or amendments, with the consent of the Convention.

16. When a question is under debate, no motion shall be received but to adjourn, call the house, lay on the table, the previous question, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order in this rule stated.

17. A motion to adjourn shall always be in order, and be decided, as well as the motion to lay on the table, without debate.

18. No motion to postpone to a day certain, or indefinitely, or to commit, being decided in the negative, shall be again allowed on the same day or at the same stage of the proposition.

19. Motion to strike out the proposition shall have precedence of a motion to amend, and, if carried, shall be equivalent to its rejection.

20. When a blank is to be filled, and different sums, times or quantities are proposed, the question shall first be put on the largest sum or quantity and the longest time.

21. If the question in debate contains several propositions, any member may have the same divided; and on a motion to strike out and insert, it shall be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion to strike out only, nor shall the rejection of a motion to strike out only prevent a subsequent motion to strike out and insert.

22. When a question has been once put and decided, it shall be in order for a member voting with the majority to move for a reconsideration thereof on the same or during the two succeeding business days, but not afterwards. Such motion shall take precedence of all other questions, except a motion to adjourn.

23. When motions are made for a reference of the same subject to a select committee and to a standing committee, the question of reference to a standing committee shall be first put.

24. A motion to commit and a motion to postpone indefinitely or to a day certain, until decided, shall preclude all amendments on the main question.

25. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

26. A motion to lay an amendment on the table being sustained shall not have the effect to carry to the table any proposition except what is contained in the amendment.

27. The previous question shall be always in order, and shall be put in this form: "Shall the main question be now put?" And until it is decided shall preclude all amendments or debate.

28. When, on moving the previous question, the Convention shall decide in the negative; the main question shall be considered as still under debate.

29. The effect of the main question being ordered shall be to put an end to all debate and bring the Convention to a direct vote—first, on all amendments reported or pending, the last amendment moved being first considered, and then on the main question.

30. After the motion for the previous question has prevailed, it shall not be in order to move a call of the Convention prior to a decision of the main question.

31. No call of the Convention shall be ordered except upon the demand of one-third of all the members present at the time the call is demanded.

32. The unfinished business on which the Convention was engaged at its last adjournment, shall, at the next meeting of the convention, have precedence of all other business except as provided in the order of business.

33. All motions and resolutions not pertaining to the current business of the Convention, shall be, upon being read, referred by the president to the appropriate committee without debate.

34. The hours of meeting shall be 10 o'clock a. m. daily, except Sunday, until otherwise ordered.

35. Order of business:

1. Reading of the Journal.
2. Communications and presentation of petitions.
3. Unfinished business of the previous day.
4. Reports from standing committees.
5. Reports from select committees.
6. Presentation of resolutions and propositions relating to the Constitution.
7. Consideration of reports of standing committees.
8. Consideration of reports of special committees.

36. It shall be the duty of the Secretary to keep a Journal, in which he shall record all the proceedings of the Convention, and to do and perform such other acts appertaining to his office as may be required of him by the Convention or its presiding officer.

37. It shall be the duty of the Assistant Secretary to assist the Secretary of the Convention and to perform such acts as may be required of him by said Secretary of the Convention or its presiding officer.

38. It shall be the duty of the Sergeant-at-arms to attend the convention during its sittings, and to execute the commands of the convention from time to time.

39. All the employes of this Convention, except stenographers and enrolling clerk, shall be subject to the immediate direction and control of the Sergeant-at-arms, subject to the general direction of the President.

40. No rule of the Convention shall be altered, suspended or rescinded without the vote of two-thirds of the members present.

41. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Convention in all cases in which they are applicable and not inconsistent with the standing rules and orders of the Convention.

42. The standing committees of the Convention shall consist of the following, and such as have been or may be created by the Convention, and the first-named member of every committee shall be its chairman, and in his absence, or in case he is excused by the Convention, the next-named member shall constitute its chairman and so on, unless the committee, in case of the absence of the first-named member shall, by majority of the members of said committee, elect a chairman.

STANDING COMMITTEES.

Judiciary, consisting of thirteen members; Executive and Administrative, consisting of seven members; Legislative, consisting of seven members; Bill of Rights, consisting of five members; Elections and Rights of Suffrage, consisting of seven members; Name, Boundaries and Seat of Government of State, consisting of seven members; Federal Relations, consisting of five members; Education and School Lands consisting of nine members; Municipal Corporations consisting of five members; Corporations, other than Banking or Municipal, consisting of thirteen members; County and Township Organization, consisting of seven members; State, County and Municipal Indebtedness, consisting of nine members; Revenue and Finance, consisting of seven members; Public Accounts and Expenditures, consisting of seven members; State Institutions and Public Buildings, including Penitentiaries and other Reformatory Institutions, consisting of nine members; Congressional and Legislative Apportionment, consisting of thirteen members; Mines Mining and Water Rights, consisting of seven members; Roads, Bridges and other Internal Improvements, consisting of seven members; Exemptions, Real and Personal, consisting of nine members; Rights of Married Women, consisting of seven members; Military Affairs, consisting of seven members; Banking and Currency, consisting of seven members; Amendments and Revisions of the Constitution, consisting of seven members; Printing, consisting of five members; Seal of State, Coat of Arms, and Design of same, consisting of seven members; Schedule, consisting of thirteen members; Miscellaneous Subjects, consisting of seven members; Compensation of Public Officers, consisting of seven members; Arrangement and Phraseology of the Constitution, consisting of nine members; Manufactures and Agriculture, consisting of nine members; Expense of this Convention, consisting of five members; Engrossment and Enrollment, consisting of five members; Preamble, consisting of seven members.

43. It shall be the duty of the engrossing and enrolling committee to supervise the transcript to be furnished to them by the stenographers and all matter for publication.

44. There shall be employed by this Convention, a Sergeant-at-arms at a salary of $3 per day.

A doorkeeper at a salary of $2.50 per day.

A janitor at a salary of $2.50 per day.

Four stenographers at the same per diem and compensation for transcript as is provided by law for court stenographers, provided that but one transcript shall be paid for.

Two messengers at a salary of $2 per day each.

One engrossing and enrolling clerk at a salary of $4 per day.

And there shall be allowed and paid to the Secretary and Assistant Secretary of this Convention $5 per day each.

45. The employes herein provided for shall be appointed from time to time by the President of this Convention, and be subject to removal by him, unless otherwise ordered by the Convention.

46. The committee on expenses of this Convention shall have power to provide for all necessary stationery, printing and other incidental expenses, and all bills therefor shall be presented to

and audited by said committee, and approved by the President of this Convention and then submitted to the Convention for final action.

On motion of Mr. Dow the Secretary was instructed to procure the printing of 500 copies of the rules and standing committees.

The President announced the following partial list of standing committees:

RULES AND ORDER OF BUSINESS.

G. C. Moody, of Lawrence, Theo. Kanouse, of Sanborn, H. J. Campbell, of Yankton, A. G. Kellam, of Brule, Henry Neill, of Grant, J. A. Ward, of Hughes, W. W. Brookings, of Minnehaha.

JUDICIARY.

Moody of Lawrence, Kellam of Brule, Campbell of Yankton, Brookings of Minnehaha, Dollard of Bon Homme, Lichtenwallner of Hughes, McCallum of Beadle, Taylor of Lincoln, Corson of Lawrence, Haines of Turner, Owen of Kingsbury, Wright of Brookings, Fowler of Pennington.

EXECUTIVE AND ADMINISTRATIVE.

Kellam of Brule, Frank of Lawrence, Ryan of Aurora, Walton of Brookings, Mason of Brown, Grant of Butte, Gault of McPherson.

LEGISLATIVE.

Kanouse of Sanborn, Hanson of Yankton, Jones of Miner, Lowthian of Grant, Snow of Bon Homme, Maynard of Brule, Grant of Butte.

EDUCATION AND SCHOOL LANDS.

More of Beadle, Ward of Yankton, Updyke of Codington, Owen of Kingsbury, Phillips of Lawrence, Macleod of Brown, Miller of Hughes, Myers of Spink, Haines of Turner.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Dollard of Bon Homme, Fisher of Spink, Weeden of Lawrence, Baker of Beadle, Wright of Brookings, Mason of Brown, Gregory of Brule, Booth of Custer, Lowe of Deuel, Lichtenwallner of Hughes, Tousley of Turner, Goddard of Minnehaha, Schultz of Clay.

SEAL OF STATE, COAT OF ARMS AND DESIGN OF SAME.

Cleland of Clay, Ward of Yankton, McCallum of Beadle, Blair of Union, Miller of Hughes, Westfall of Codington, Gray of Hanson.

PRINTING.

Neill of Grant, Gunderson of Jerauld, Tousley of Turner, Cranmer of Edmunds, Jessup of Faulk.

On motion of Mr. Campbell, the Committee on Printing was instructed to procure the printing of 250 copies of the Constitution adopted by the Convention of 1883.

The President called Mr. Westfall of Codington to the chair.

On motion of Mr. Brookings the Convention took a recess until 4 o'clock p. m.

AFTERNOON SESSION—4 o'clock.

Convention was called to order by the President in the chair.

The President announced the change of Mr. Frank from the Committee on Executive and Administrative to the Committee on Apportionment, and Mr. Weeden, from the Committee on Apportionment, to the Executive and Administrative Committee.

The President announced the following additional Standing Committees:

BILL OF RIGHTS.

Owen of Kingsbury, More of Beadle, Craig of Spink, Gifford of Minnehaha, Goddard of McCook.

ELECTIONS AND RIGHT OF SUFFRAGE.

Westfall of Codington, Dow of Brown, McCallum of Beadle, Ward of Hughes, Parker of Lawrence, Campbell of Yankton, Lansing of Hand.

NAME, BOUNDARIES AND SEAT OF GOVERNMENT.

Frank of Lawrence, Patten of Miner, Fisher of Spink, Blair of Union, Reed of Sully, Lowthian of Grant, Murphy of Hanson.

FEDERAL RELATIONS.

Fowler of Pennington, Ashton of Roberts, Andrus of Hamlin, Baker of Beadle, Bellon of Hutchinson.

MUNICIPAL CORPORATIONS.

Wright of Brookings, Buechler of Hutchinson, Murphy of Hanson, Tychsen of Turner, Beebe of Minnehaha.

CORPORATIONS, OTHER THAN BANKING OR MUNICIPAL.

Ward of Hughes, Brookings of Minnehaha, Britton of Spink, Hanson of Yankton, Jessup of Faulk, Lansing of Hand, Laybourn of Brown, Conniff of McCook, Elfes of Charles Mix, Ryan of Aurora, Gehon of Lincoln, Gray of Hanson, Gault of McPherson.

COUNTY AND TOWNSHIP ORGANIZATION.

Allen of Turner, Coffin of Beadle, Berdahl of Minnehaha, Brown of Buffalo, Buechler of Hutchinson, Churchill of Spink, Crose of Hyde.

STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

Corson of Lawrence, Tychsen of Turner, Andrus of Hamlin, Baker of Beadle, Beebe of Minnehaha, Bellon of Hutchinson, Churchill of Spink, Cranmer of Edmunds, Dow of Brown.

REVENUE AND FINANCE.

Reed of Sully, Allen of Turner, Churchill of Spink, Crose of Hyde, Goddard of Minnehaha, Potter of Walworth, White of Brookings.

PUBLIC ACCOUNTS AND EXPENDITURES.

Williams of Hand, Huntley of Jerauld, Kendall of Union, Laybourn of Brown, Maynard of Brule, Oaks of Minnehaha, Ryan of Aurora.

STATE INSTITUTIONS AND PUBLIC BUILDINGS, INCLUDING PENITENTIARIES AND OTHER REFORMATORY INSTITUTIONS.

Fisher of Spink, Macleod of Brown, Walton of Brookings, Ward of Yankton, Oaks of Minnehaha, Cleland of Clay, Fellows of Aurora, Wright of Lake, Kanouse of Sanborn.

MINES, MINING AND WATER RIGHTS.

Booth of Custer, Hanson of Yankton, Gifford of Minnehaha, Frank of Lawrence, Grant of Butte, Fowler of Pennington, Phillips of Lawrence.

ROADS, BRIDGES AND OTHER INTERNAL IMPROVEMENTS.

Blair of Union, Craig of Spink, Weeden of Lawrence, Pendleton of Sully, Patten of Miner, Weatherwax of Beadle, Crose of Hyde.

EXEMPTIONS, REAL AND PERSONAL.

Bellon of Hutchinson, Allen of Turner, Craig, of Spink, Dahl of Union, Elfes of Charles Mix, Gehon of Lincoln, Gray of Hanson, Gunderson of Jerauld, Wright of Lake.

RIGHTS OF MARRIED WOMEN.

Coffin of Beadle, Gault of McPherson, Fellows of Aurora, Westfall of Codington, Haines of Turner, Goddard of McCook, Cranmer of Edmunds.

MILITARY AFFAIRS.

Taylor of Lincoln, Weatherwax of Beadle, Tousley of Turner, Huntley of Jerauld, Jones of Miner, Sheets of Kingsbury, Buechler of Hutchinson.

BANKING AND CURRENCY.

Beebe of Minnehaha, Jessup of Faulk, Andrus of Hamlin, Goddard of McCook, Stone of Potter, Cranmer of Edmunds, Alexander of Campbell.

AMENDMENTS AND REVISIONS OF THE CONSTITUTION.

Dow of Brown, Corson of Lawrence, Ashton of Roberts, Britton of Spink, Reed of Sully, Stone of Potter, Gifford of Minnehaha.

SCHEDULE.

Campbell of Yankton, Kellam of Brule, Dollard of Bon Homme, Ward of Hughes, Booth of Custer, Kanouse of Sanborn, Neill of Grant, Lansing of Hand, Patten of Miner, Coffin of Beadle, Huntley of Jerauld, Conniff of McCook, McGrath of Lake.

MISCELLANEOUS SUBJECTS.

Alexander of Campbell, White of Brookings, Mason of Brown, Brown of Buffalo, Elfes of Charles Mix, Schultz of Clay, Gunderson of Jerauld.

COMPENSATION OF PUBLIC OFFICERS.

Brookings of Minnehaha, Snow of Bon Homme, Laybourn of Brown, Phillips of Lawrence, Taylor of Lincoln, Cleland of Clay, Lowthian of Grant.

ARRANGEMENT AND PHRASEOLOGY OF THE CONSTITUTION.

Ward of Yankton, Moody of Lawrence, More of Beadle, Lichtenwallner of Hughes, Myers of Spink, Neill of Grant, Walton of Brookings, Williams of Hand, Wright of Lake.

MANUFACTURES AND AGRICULTURE.

Myers of Spink, Gregory of Brule, Brown of Buffalo, Kendall of Union, Conniff of McCook, Berdahl of Minnehaha, Stone of Potter, Pendleton of Sully, Lowe of Deuel.

ENGROSSMENT AND ENROLLMENT.

Potter of Walworth, Pendleton of Sully, Sheets of Kingsbury, Dahl of Union, McGrath of Lake.

EXPENSES OF THE CONVENTION.

Fellows of Aurora, Murphy of Hanson, Snow of Bon Homme, Weatherwax of Beadle, Gregory of Brule.

PREAMBLE.

Updyke of Codington, Parker of Lawrence, Berdahl of Minnehaha, Williams of Hand, Britton of Spink.

The following resolution was offered by Mr. Owen, who moved its adoption:

RESOLVED, That a select Committtee of nine be appointed by the Chair to which shall be referred the subject of Prohibition and all resolutions and petitions relating thereto.

The resolution was adopted.

The following resolution was offered by Mr. Owen:

RESOLVED, That no person or corporation shall manufacture for sale any intoxicating liquor, or sell or keep for sale such liquor as a beverage. The Legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable penalties for the violation thereof.

The resolution was referred to the Committee on Prohibition.

The President appointed S. G. Carter of Lincoln county as door-keeper, and Willie Bullivant and George Grigsby of Sioux Falls as pages.

The following resolution was offered by Mr. Campbell:

RESOLVED, That the Committee on Printing be instructed to lay on the table of members each morning the printed Journal of the proceedings of the preceding day.

Mr. Moody offered the following substitute for the resolution of Mr. Campbell:

RESOLVED, That the Printing Committee be instructed to ascertain if the proceedings of the Convention daily, can be printed and furnished members the following morning, and if so what will be the probable cost, and to report tomorrow morning.

This substitute was accepted by Mr. Campbell and was adopted.

Mr. Moody moved that the Committee on Expenses of this Convention be instructed to ascertain if four rooms can be obtained for the use of the Committees of the Convention and if so to ascertain the cost thereof.

Mr. Owen offered as an amendment that the number of rooms be increased to eight. The amendment was accepted by the mover, and as amended was adopted.

The following resolution was offered by Mr. Campbell, who moved its adoption:

RESOLVED, That the President of this Convention be requested and authorized to request of the Governor a copy of the results of the census of the Territory so far as the same has been ascertained.

The resolution was adopted.

On motion of Mr. Ward, of Yankton, the Convention adjourned until 10 o'clock a. m. September 10th, 1885.

THIRD DAY.

September 10, 1885.

The Convention met at 10 o'clock a. m. and was called to order by the President.

Prayer was offered by Rev. A. Jamieson, Pastor of the M. E. Church of Sioux Falls.

The Secretary read the Journal of the Convention of the preceeding day which was approved.

The President read the following appointments:

Stenographers; T. G. Brown, of Sioux Falls; Ivan W. Goodner, of Huron; E. A. Maglone and Mrs. J. D. Washburn, of Yankton.

Committee on Prohibition: Messrs. Owen, Goddard of Minnehaha, More, Jessup, Walton, Dow, Lichtenwallner, Phillips and Gault.

R. A. Proudfoot, of Clark county, and Daniel Wilcox, of Bon Homme county, presented certificates of election as delegates and were sworn in as members of the Convention.

The Committee on Printing presented the following report:

"Mr. President:—Your Committee have investigated, according to yesterday's instructions, the practicability and probable cost of printing the proceedings of this body daily, and find that it can be done at a probable cost of $8 per day, on a basis of 250 copies. In addition to this it will be necessary to incur the expense of a transcribing clerk."

Mr. Taylor offered the following resolution:

RESOLVED, That the Committee on Printing be, and hereby is, instructed to make a contract with each of the two daily newspapers of Sioux Falls, publishing the daily proceedings of the Convention, to furnish each member and officer of this Convention with one copy of each of said newspapers daily, to be delivered at the desk of each member and officer, each morning during the session.

Mr. Campbell raised the point of order that the resolution was not germane to the report before the house.

The Chair decided the point not well taken.

Mr. Moody raised the point of order that the resolution offered by Mr. Taylor should be properly referred at once to the Committee on Printing.

The Chair stated that yesterday when a similar resolution was before the Convention he was of the opinion that it should properly be referred to the Committee on Printing, but the Convention decided otherwise.

Mr. Brookings moved that the resolution be referred to the Committee on Printing.—Carried.

Mr. Kellam offered the following resolution:

RESOLVED, That the Committee on Printing be directed to arrange for the printing of 250 copies of the daily proceedings of the Convention, and that the Sergeant-at-arms be directed to distribute the same each morning by laying the same upon the tables of members.

Mr. Taylor moved that the resolution of Mr. Kellam be laid on the table.

At the request of Mr. Moody, Mr. Taylor temporarily withdrew his motion, while Mr. Moody read the last clause of rule 2, adopted by the Convention, which provides for the printing of the Journal in pamphlet form.

Mr. Brookings moved the previous question. Mr. Taylor insisted that his motion to lay on the table was before the Convention and Mr. Brookings withdrew his motion for the previous question.

The motion to lay the resolution on the table was lost.

The resolution offered by Mr. Kellam was then adopted.

Mr. Ward, of Hughes county, offered the following resolution:

RESOLVED, that the several Standing Committees be instructed to proceed to the work assigned them by the Convention.

The resolution was adopted.

The Committee on Expenses and Disbursements to the Convention presented the following report:

"Your Committee on Expenses and Disbursements of this Convention, to whom was referred the matter of ascertaining and reporting the expense of eight Committee rooms, beg leave to report that three rooms can be had in the Court House at an expense not to exceed $15, and four rooms in Waples' building at $60, and two rooms in the basement of this building provided for in the lease of this hall. All rooms to be heated, lighted and furnished with table and chairs."

Mr. Taylor offered the following resolution:

RESOLVED, That the President of this Convention be further empowered and instructed to appoint a Committee consisting of seven members on Impeachment and Removal from office.

Referred to the Committee on Rules.

Mr. Kanouse moved the adoption of the report of the Committee on Expenses and Disbursements, and that the Committee be instructed to procure rooms as reported. Carried.

Mr. Haines offered the following resolution:

RESOLVED, That the President of the Convention be directed to appoint a Transcribing Clerk to aid in the preparation of the record of proceedings for daily publication.

Referred to the Committee on Expenses and Disbursements.

Mr. Owen moved to take up the resolution just referred, and that it be adopted. Carried.

Mr. Myers, of Spink county, asked leave of absence for a few days, and no objection being raised his request was granted.

Mr. Ward, of Yankton, moved that before adjournment, the Convention arrange time and places for meetings of the several standing committees, which motion was carried and the Convention took a recess of half an hour.

Upon re-assembling Mr. Reed announced the arrangement for meetings made by the several Chairmen of Committees.

Mr. Moody moved that the Committee on Printing be instructed to have printed in addition to the number of copies already provided for daily distribution, enough to make 300 complete Journals in pamphlet form, as contemplated in rule 2 of the Convention.

Mr. Taylor moved to substitute "500" in place of "300" in Mr. Moody's motion.

The substitute was accepted by Mr. Moody, and the motion was carried.

On motion of Mr. Dow the Convention adjourned.

FOURTH DAY,

September 11, 1885.

The Convention met and was called to order by the President in the chair.

Prayer was offered by Rev. Wm. Craig, pastor of the Presbyterian church of Sioux Falls.

The Secretary read the Journal of the preceeding day, which was approved.

Stephen G. Updyke, of Codington county, and H. M. Smith, of Hand county presented certificates of election as delegates and were sworn in as members of the Convention.

The President announced the following appointments:

Transcribing Clerk—Harry J. Morris.

Enrolling and Engrossing Clerk—W. G. McKennan.

Mr. McCallum offered the following resolution;

RESOLVED, That the President of this Convention be requested to obtain from the Surveyor-General of Dakota the information necessary to determine through what organized counties, if any, the 46th parallel of latitude runs, and whether or not said line is the boundary of organized counties and if not, to ascertain the amount of territory of counties not represented in this Convention that will be south of said 46th parallel.

Referred to the Committee on Boundaries and Seat of Government.

Mr. Conniff, of McCook county, by request of the Farmers' Alliance of his county, offered the following as proposed sections of the Constitution.

"The right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the state."

Referred to the Committee on Judiciary.

Also the following:

"All railroads and transportation companies are declared to be common carriers and subject to Legislative control, and the Legislature shall have power to enact laws regulating and controlling the rates of charges for transporting passengers and freight, as such common carriers from one point to another, in this state."

Referred to the Committee on Corporations, other than Banking or Municipal.

Also the following:

"The Legislature shall provide such revenue as may be needful by the levy of a tax by valuation, and all property in this state shall bear the burden of taxation equally."

Referred to the Legislative Committee.

Moved by Mr. Kanouse that the rules be amended so that Committees of five and seven members may be increased to six and eight, so that members arriving subsequent to the appointments may be given places on Committees.

Referred to the Committee on Rules and order of Business.

Mr. Taylor moved to adjourn, but upon request of Mr. Moody withdrew the motion.

Mr. Macleod, of Brown county, asked leave of absence until Tuesday next. No objection being raised the request was granted.

A recess of 30 minutes was taken.

Upon reassembling, Mr. Moody, Chairman of the Committee on Rules and Order of Business, presented the following report:

"Your Committee on Rules and Order of Business to whom was referred the resolution of Mr. Taylor, of Lincoln County, for the appointment of an additional standing committee on Impeachment and Removal from Office have had the same under consideration and beg leave to report:

"Your Committee recommends that a committee consisting of seven members on Impeachment and Removal from Office be added to the standing committees of this Convention and that said resolution, with this modification, be adopted.

"Your Committee have also had under consideration the question suggested in the motion of Mr. Kanouse, to increase certain of the committees in number and recommend that the Committees on Executive and Administrative, and Elections and Right of Suffrage, and Legislative Departments of the Constitution be increased to nine each, and the Committees on Federal Relations and Municipal Corporations be increased to seven each.

On motion of Mr. Dow the report was adopted.

On motion of Mr. Taylor the Convention adjourned.

FIFTH DAY.

September 12, 1885.

The Convention met and was called to order by the President.

Mr. Kellam of Brule county was called to the chair.

Prayer was offered by Rev. Frederick Gardiner, pastor of the Calvary Episcopal church of Sioux Falls.

The Secretary read the Journal of the preceding day, which was approved.

On motion of Mr. Neill, the Secretary read the Journal of the first day's session, the same not having been approved by the convention, which was approved after the correction of several errors in the names of delegates.

Mr. Huntley presented a series of petitions from Mrs. R. J. Smart, Superintendent of Sabbath desecration, W. C. T. U., on the subject of Sabbath desecration.

Referred to the Committee on Federal Relations.

Mr. Kanouse presented the following petition from W. H Lyon of Sioux Falls:

"To the Constitutional Convention, in session at Sioux Falls:

"I respectfully request that this Convention incorporate a provision in the constitution that all appropriation bills for new public institutions and permanent improvements to existing institutions, and all laws of general interest to the people should be drafted by the legislature and submitted for the people to enact or reject at annual or biennial elections and that the legislature be given only the power to pass appropriation bills for the ordinary running expenses of the state and to enact the necessary laws of a local, special and private nature that cannot well be provided for by general acts.

Respectfully,

W. H. LYON."

The communication was referred to the Legislative Committee.

The following additional appointments to standing committees were announced:

Elections and Right of Suffrage: Wilcox of Bon Homme and Alexander of Campbell.

Municipal Corporations: Updyke of Codington.

Federal Relations: Proudfoot of Clark.

Executive and Administrative: Smith of Hand and Wilcox of Bon Homme.

Legislative: Proudfoot of Clark and Smith of Hand.

The Committee on Military Affairs presented its report, which was received.

Mr. Campbell offered the following resolution:

RESOLVED, That the reports of all standing committees, when made, shall be printed and laid on the tables of the members.

Carried by a rising vote of 46 to 36.

Mr. Williams offered the following resolution:

RESOLVED, That the Committee on Printing be instructed to have printed in the Journal of the proceedings, all reports of standing committees and all amendments offered thereto.

After discussion Mr. Kanouse moved the previous question, Sustained.

The resolution offered by Mr. Williams was adopted.

Mr. Kanouse, chairman of the Legislative Committee, to which was referred the resolution relating to revenue, reported the said resolution back with recommendation that the same be referred to the committee on Revenue and Finance.

The resolution was referred to the Committee on Revenue and Finance.

Mr. Kanouse offered the following resolution:

RESOLVED, That the Judiciary Committee be requested to examine and report at the earliest practicable time, as to whether under the act authorizing this Convention, a proposition submitted separately from the Constitution and at the same election, if adopted by the people, would beyond a shadow of a doubt, become legally a part of the Constitution.

Referred to the Committee on Judiciary.

Mr. Reed offered the following resolution:

RESOLVED, That the Governor shall have the power to approve or veto in part any appropriation bill sent him for approval.

Referred to the Executive and Administrative Committee.

Mr. Miller offered the following resolution:

RESOLVED, That the Committee on Elections and Right of Suffrage be instructed to report a clause for the Constitution in which the word "male" shall not occur as a qualification for suffrage.

Referred to the Committee on Elections and Right of Suffrage.

The following resolution was offered by Mr. Maynard:

RESOLVED, That State, county, town, municipal and school elections for the election of officers shall be held (biennial) on the first Tuesday after the first Monday of each even-numbered year in the month of November. That such officers as are elected shall enter upon their duties on the first Wednesday of January next following.

Referred to the Committee on Elections and Right of Suffrage.

Mr. Hanson offered the following preamble and resolution:

WHEREAS, The subject of woman suffrage has become one of such great public interest as to demand some recognition by this Convention, therefore

RESOLVED, The first legislature that convenes under provisions of this Constitution shall provide by law for submitting this question to be voted upon at the first general election thereafter and at said election none but women, having in all other respects the several qualifications enumerated in Section of Article of this Constitution, shall be allowed to vote upon this question. And if a majority of the votes so cast shall be in favor of the proposition then and in that case the word "male" shall no longer constitute one of the qualifications of an elector in this State, and women shall forever thereafter become qualified voters and eligible to any office within the gift of the people, on an equal footing with the male population of the State, and these rights, ever thereafter, shall be in no particular infringed by legislative enactment.

Referred to the Judiciary Committee.

Mr. Gunderson offered the following resolution:

RESOLVED, That no county with an area of Eight Hundred and Sixty-four (864) square miles or less shall be diminished

or have any part stricken therefrom without submitting the question to a vote of the people of the whole county nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

Referred to the Committee on County and Township Organization.

Mr. Conniff offered the following as a proposed section of the Constitution:

"All laws of a general nature shall have a uniform operation. The legislature shall not grant to any citizen or class of citizens, corporation or company, privileges or immunities which upon the same terms shall not equally belong to all citizens, classes, corporations or companies."

Referred to the Committee on Bill of Rights.

Mr. Walton offered the following resolution:

RESOLVED, That the legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during suspension.

Referred to the Legislative Committee.

Mr. Brookings offered the following resolution:

RESOLVED, That all appropriation bills shall contain but one subject matter and no omnibus appropriation bill shall ever be passed by the legislature except that all salaries of State officers may be in the same bill.

Referred to the Legislative Committee.

Mr. Hanson offered the following resolution:

RESOLVED, That railroads are hereby declared to be public highways as well as well as common carriers constructed for the convenience and benefit of the people, and the proper subjects of legislative control as such. No railroad hereafter constructed in this State shall pass within a distance of three (3) miles of any town containing not less than two hundred inhabitants, without constructing its line of road through said town, and building and maintaining a depot within the town limits, for receiving and unloading passengers and freight in the usual manner, unless prevented by natural obstacles such as rivers or mountains, provided that such town or its citizens shall grant the right of way through its limits and sufficient land for ordinary depot grounds; and no railroad shall establish and maintain any other depot for receiving and unloading passengers and freight within a distance of ten miles of such town.

Referred to the Committee on Corporations other than Banking or Municipal.

Mr. Conniff offered the following as a proposed section of the Constitution:

"Private property shall not be taken for public use without just compensation first made or secured, to be paid as soon as it can be ascertained; and any advantage which may result to the owner on account of the improvement for which it is taken shall not be considered in adjusting said compensation."

Referred to the Committee on Bill of Rights.

Mr. Owen offered the following resolution:

RESOLVED, That no railroad or other transportation company shall grant a free pass or other special favor to the Chief Executive of the State, any Judge of a Court of Record, Member of the Legislature or Railroad Commissioner, and the acceptance thereof shall work a forfeiture of office.

Referred to the Committee on Corporations other than Banking or Municipal.

The report of the Committee on Military Affairs was read by the Secretary, as follows:

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS.

The following report is made by your Committee, who respectfully recommend its adoption:

SEC. 1. The Militia of the State of Dakota shall consist of all able-bodied male persons, residing in the State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this State.

SEC. 2. The legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the Militia and the establishment of Volunteer and such other organizations, or both, as may be deemed necessary for the protection of the State, the preservation of order, and the efficiency and good of the service; and the said Militia organization shall be required to assemble in camp of instruction, and drill not less than two or more than four days annually.

SEC. 3. The legislature in providing for the organization of the Militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 4. All Militia officers shall be commissioned by the Governor, and may hold their commission for such period of time as the legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a court martial, pursuant to law.

SEC. 5. The Militia shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections, and in coming to and returning from the same.

SEC. 6. All Militia property, records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the Adjutant-General, as an enduring memorial of the patriotism and valor of Dakota, and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

SEC. 7. No person having conscientious scruples against bearing arms shall be compelled to do Military duty in time of peace.

J. W. TAYLOR, Chairman.

S. F. HUNTLEY,
H. H. SHEETS,
S. C. WEATHERWAX,
R. C. TOUSLEY,
STEPHEN JONES,
C. BUECHLER,
} Committee.

On motion of Mr. Owen, the Convention adjourned.

SEVENTH DAY.

September 14, 1885.

The Convention met and was called to order by Mr. Kellam, of Brule county, in the chair.

Prayer was offered by Rev. P. E. Holp, pastor of the Congregational church of Sioux Falls.

The Secretary read the Journal of the fifth day's proceedings, which was approved.

Mr. Owen, chairman of the Committee on Bill of Rights, presented the following report:

TO THE PRESIDENT AND MEMBERS OF THE CONVENTION; GENTLEMEN:

Your Committee upon "Bill of Rights" respectfully reports and recommends, as a part of the Constitution, the following:

BILL OF RIGHTS.

SECTION 1. All men are born equally free and independent and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. No person shall be deprived of life, liberty or property without due process of law.

SEC. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby sethereof, to meet the witnesses face to face, to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 4. The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published, with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

SEC. 6. The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any case before Justices of the Peace and for the decision of civil cases by three-fourths of the jury in any court.

SEC. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy cured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the State. No person shall be compelled to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the State shall be given or appropriated for the benefit of any sectarian or religious society, or institution.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety may require it.

SEC. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

SEC. 10. No person shall be held for a criminal offense unless on the presentment or indictment of a grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by ounty courts, by Justices of the Peace, and n cases arising in the army or navy, or in the militia when in actual service in time of war or public danger, provided that the grand jury may be modified or abolished by law.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and ~~seizures shall~~ not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SEC. 12. No ex post facto law, or law imperiling the obligation of contracts or working any irrevocable grant of privilege, franchise or immunity, shall be passed.

SEC. 13. Private property shall not be taken for public use or damaged without just compensation as determined by a jury, which shall be paid as soon as it can be ascertained. No benefit which may accrue to the owner in common with the owners of adjacent property as the result of an improvement shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners subject to the use for which it is taken.

SEC. 14. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

SEC. 15. No person shall be imprisoned for debt arising out of, or founded upon a contract.

SEC. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be equal and uniform.

SEC. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

SEC. 19. Elections shall be free and equal and no power, civi or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the State, under regulations to be prescribed by the legislaure.

SEC. 20. All courts shall be open and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law and right and justice, administered without denial or delay.

SEC. 21. No power of suspending laws shall be exercised, unless by the legislature or its authority.

SEC. 22. No person shall be attainted of treason or felony by the legislature.

SEC. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

SEC. 24. The right of the citizens to bear arms in defence of themselves and the State shall not be denied.

SEC. 25. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

SEC. 26. The State of Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality aud virtue, and by frequent recurrence to fundamental principles.

JOHN A. OWEN,
JAMES H. MORE,
H. CRAIG,
C. S. GIFFORD,
W. H. GODDARD,
Committee.

Mr. Ward, of Hughes county, chairman of the Committee on Corporations, other than Banking or Municipal, presented the following report:

The Committee on Corporations other than Banking or Municipal, respectfully submit the following report:

ARTICLE.

CORPORATIONS.

SEC. 1. No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State; but the legislature shall provide, by general laws, for the organiation of all corporations hereafter to be created.

SEC. 2. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no vazidity.

SEC. 3. The legislature shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

SEC. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 6. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same upon whom process may be served.

SEC. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 8. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 9. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured, or destroyed, by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

SEC. 10. The legislature shall have the power to alter, revise, or annul any charter of any incorporation now existing and revocable at the taking effect of this Constitution, or any that may be created, whenever in their opinion it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.

SEC. 11. No law shall be passed by the legislature, granting, the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

SEC. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this State, and to connect the same with other lines; and the legislature shall, by general law, of uniform operation provide reasonable regulations to give full effect of this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquired by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The State shall not become a stockholder in any corporation; and it shall not assume or pay the debt or liability of any corporation, unless such debt or liability shall be incurred or such subsidy granted in time of war for the benefit of the State.

SEC. 14. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by whom: the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and places of residence of its officers The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 15. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such property from execution and sale.

SEC. 16. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days to all stock holders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, shall work a forfeiture of its charter.

SEC. 17. Railways heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the legislature shall have power to enact laws regulating and controlling the rates of charges, for the transportation of passengers and freight, as such common carriers from one point to another in this State.

SEC. 18. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company will have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 19. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

SEC. 20. The term "corporations" as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Respectfully submitted,

JAMES A WARD,
T. H. CONNIFF,
G. C. BRITTON,
E. M. JESSUP,
J. R. HANSON.
W. W. BROOKINGS,
JEREMIAH GEHON,
THEODORE ELFES,
GEO. R. LAYBOURN,
MATT A. RYAN,
FRANK GAULT,
ISAAC GRAY,
L. W. LANSING.

Committee.

Mr. Kanouse, chairman of the Legislative Committee, preented the following report :

REPORT OF THE LEGISLATIVE COMMITTEE.

MR. PRESIDENT:

The Legislative Committee has bad under consideration the subject referred to it, and would respectfully submit the following report and recommend its adoption

THEO. D. KANOUSE,
S. A. JONES,
GEO. W. SNOW,
J. R. HANSON,
N. I. LOWTHIAN,
C. J. MAYNARD,
H. J. GRANT,
R. A. PROUDFOOT,
H. M. SMITH,

Committee.

SECTION 1. The legislative power shall be vested in a legislature, which shall consist of a senate and a house of representatives.

SEC. 2. The number of members of the house of representatives shall not be less than 55 nor more than 125. The number of members of the senate shall not be less than 25 nor more than 45.

The session of the legislature shall be biennial except as otherwise provided in this Constitution.

SEC. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from whence he may be chosen, and a citizen of the United States, and who shall not have attained the age of 25 years, and who shall not have been a resident of the State for two years next preceding his election.

No person shall be eligible to the office of representative who is not a qualified elector in the district from whence he may be chosen and a citizen of the United States and who shall not have been a resident of the State for two years next preceding his election.

No Judge, or Clerk of any Court, Secretary of State, Attorney General, States' Attorney, Recorder, Sheriff, or Collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States, or this State, or any foreign government, shall be a member of the legislature, (provided that appointments in the Militia, the offices of Notary Public and Justice of the Peace shall not be considered lucrative) nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States (except Postmasters whose annual compensation does not exceed the sum of $300) hold any office in either branch of the legislature or become a member thereof.

SEC. 4. The legislature shall provide by law for the enumeration of the inhabitants of the State in the year 1895 and every ten years thereafter, and at its first regular session, after each enumeration, and also after each enumeration made by authority of the United States, but at no other time. The legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy.

SEC. 5. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been, or may be collector, or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof.

SEC. 6. Members of the legislature and the officers thereof before they enter upon their official duties shall take and subscribe the following oath or affirmation; I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money, pass, or any other vauable thing, from any corporation, company, or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a Judge of the Supreme or Circuit Court, or the Presiding Officer of either house, in the hall of the house to which the member or officer is elected, and the Secretary of State shall record and file the oath subscribed by each member and officer.

Any member or officer who shall refuse to take the oath herein prescribed, shall forfeit his office.

Every member or officer of the legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office, and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature.

SEC. 7. The terms of the office of the members of the legislature, shall be for two years; they shall receive for their services the sum of $5 for each day's attendance (unless excused) during the session of the legislature, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature on the most usual route.

Each regular session of the legislature shall not exceed sixty days except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage.

SEC. 8. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at twelve o'clock m. in the year next ensuing the election of members thereof, and at no other time except as provided by this Constitution.

SEC. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employes, and fix the pay thereof.

SEC. 10. senators and all representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 11. No person elected to the legislature shall receive any civil appointment within this State during the time for which he shall have been elected, and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the legislature be interested directly or indirectly in any contract within the State or any county thereof, authorized by any law passed during the term for which he shall have been elected or within one year after the expiration thereof.

SEC. 12. In all elections to be made by the legislature the members thereof shall vote vive voce and their votes shall be entered in the Journal.

SEC. 13. Each house shall keep a Journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any question shall be had at the desire of one-sixth of those present and it shall be entered upon the Journal.

SEC. 14. The sessions of each house and the Committee of the Whole shall be open, unless when the business is such as ought be kept secret.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. Every bill shall be read three several times, but the first and second reading may be upon the same day, and the second reading may be by title of the bill, unless the reading at length be demanded, the first and third reading shall be at length.

SEC. 17. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act, which shall not be embraced in the title, such act shall be void only as to so much thereof as shall not be so expressed. The Governor shall have the power to veto one or more of the several items in a general appropriation bill, and approve other items thereof.

SEC. 18. In all cases where a general law can be made applicable, no special law shall be enacted by the legislature.

SEC. 19. The enacting clause of a law shall be: "Be it enacted by the legislature of the State of Dakota," and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the Journal.

SEC. 20. The presiding officer of each house shall, in the presence of the house over which he shall preside, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered upon the Journal.

SEC. 21. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

SEC. 22. No money shall be paid out of the treasury except upon appropriations made by law and on warrants drawn by the proper officer in pursuance thereof.

SEC. 23. The legislature shall not authorize any game or chance, lottery or gift enterprise, under any pretense, or for any purpose whatever.

SEC. 24. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims, or part thereof, created against the State under any agreement or contract made without express authority of law, and all such authorized agreements or contracts shall be null and void. Nor shall the compensation of any public officer be increased or diminished during his term of office; provided, however, the legislature may make appropriations incurred in suppressing insurrections or repelling invasions.

SEC. 25. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 26. The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 27. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency, (to be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members, elect to each house, otherwise direct.

SEC. 28. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature or who threatens any member that he, the said Governor, will remove any person or persons from any office of position with intent to in any manner influence the official action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereon, shall forfeit all right to hold or exercise any office of trust or honor in this State.

Mr. Kellam, chairman of the Executive Committee, presented the following report:

EXECUTIVE DEPARTMENT.

MR. PRESIDENT:

Your Committee on the Executive and Administrative department of the Constitution having had the same under consideration, beg leave to submit the following report.

A. G. KELLAM,
M. A. RYAN,
J. D. MASON,
L. H. WEEDEN,
R. C. WALTON,
H. J. GRANT,
FRANK GAULT, SR.
H. M. SMITH,
DANIEL WILCOX.
Committee.

SEC. 1. The executive power shall be vested in a Governor who shall hold his office two years: a Lieutenant Governor shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided two years next preceeding his election within the State; nor shall be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State, at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected; but if two or more shall have an equal and highest number of votes for Governor or Lieutenant Governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor and Lieutenant Governor, shall be made in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be Commander in Chief of the military and naval forces of the State (except when they shall be called into the service of the United States) and may call out the same to execute laws, suppress insurrection, and repel invasion. He shall have power to convene legislature on extraordinary occasions. He shall at the commencement of each session, communicate to the legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life, or for a longer term than two years, or a fine exceeding Two-Hundred dollars, no pardon shall be granted, sentence commuted or fine remitted, except upon the recommendation in writing of a board of pardons consisting of the Chief Justice, Secretary of State and Attorney General, after full hearing in open session; and such recommendations, with the reason therefor, shall be filed in the office of the Secretary of State. But the legislature may by law, in all cases, regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve, he shall communicate to the legislature at each regular session, each case of remission of fine, reprieve, commutation or pardon, granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of the death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed shall devolve upon the Lieutenant Governor.

SEC. 7. The Lieutenant-Governor shall be President of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign or die, or from mental or physical disease become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office, shall from any cause, become vacant and no mode is provided by the Constitution or law for filling in such vacancy, the Governor shall have power to fill such vacancies by appointment.

SEC. 9. Every bill which shall have passed the legislature shall before it becomes a law, be presented to the Governor. If he approve he shall sign it; but if not, he shall return it, with his objection, to that house in which it originated, who shall enter the objection at large upon the Journal and proceed to reconsider it. If after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent together with the objection to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law, but in all such cases, the vote of both houses shall be determined by the ayes and nays, and the names of the members voting for and against the bill shall be entered upon the Journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him the same shall be a law, unless the legislature shall, by its adjournment, prevent its return; in which case it shall be filed with his objection, in the office of the Secretary of State, within ten days after such adjournment, or become a law.

SEC. 10. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money embracing distinct items and part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the manner following: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. There shall be chosen by the qualified electors of the State, at the times and places of choosing members of the legislature, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of Treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.

SEC. 12. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instructions and Attorney General shall be as prescribed by law.

Mr. Kanouse, chairman of the Legislative Committee, presented the following report:

"The Legislative Committee has had under consideration the petition of Mr. W. H. Lyon, and recognizes in the petition suggestions of a novel system of legislation. The Committee having agreed upon its report before the petition reached it, reports the petition back with the recommendation that it be considered in the Committee of the Whole. The Committee has also had under consideration the resolution offered by Mr. Brookings, of Minnehaha, and has incorporated in its report so much of the subject thereof as it deemed practicable.

All of which is respectfully submitted.

THEO. D. KANOUSE,
S. JONES,
GEO. W. SNOW,
J. R. HANSON,
N. I. LOWTHIAN,
C. J. MAYNARD,
H. J. GRANT,
R. A. PROUDFOOT,
H. M. SMITH,
Committee."

Mr. Ward, chairman of the Committee on Corporations, other than Banking or Municipal, to which was referred the resolution offered by Mr. Hanson relative to privileges of railroads, reported the resolution back with a recommendation that the same be referred to the Judiciary Committee.

The resolution was so referred.

Mr. Ward reported back the resolution relative to the acceptance of railroad passes by State officials, referred to the Committee on Corporations, other than Banking or Municipal, with a recommendation that the same be referred to the legislative Committee.

The resolution was so referred.

Mr. Neill offered the following resolution :

RESOLVED, That the name of the new State be Dacotah spelled "D-A-C-O-T-A-H," after the original derivation of the word.

Referred to the Committee on Name, Boundary and Seat of Government.

Mr. Gregory offered the following resolution:

RESOLVED, That property of all corporations doing business within the limits of this State, other than municipal, banks, insurance and manufactories, and such other property as may be exempt by law, be assessed by the State Board of Equalization. The State Board of Equalization shall consist of the Auditor of State, who shall be the chairman of the board, and one member from each Congressional District, whose term of office shall be two years, or until their successors are elected and qualified, and shall be elected at the same time as members of Congress.

Refered to the Committee on Revenue and Finance.

Mr. Weeden offered the following resolution:

RESOLVED, That no property of any corporation or individual either real or personal, shall be exempt from compensation for labor.

Referred to the Committee on Exemptions.

Mr. Tousley offered the following resolution:

RESOLVED, That the clerks of the several counties shall be clerks of the various courts (otherwise provided for) and held within their respective counties except Justice of the Peace courts.

Referred to the Committee on County and Township Organition.

Also the following :

RESOLVED, That every school district shall be single in its character and distinct in its organization and boundaries, and the board of county commissioners or supervisors shall establish said boundaries in as equitable and uniform a manner as possible and nothing in this section shall prevent the changing of said boundary lines at any time that said commissioners or supervisors shall deem it expedient.

Referred to the Committee on Elections.

Also the following :

RESOLVED, That every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Referred to the Legislative Committee.

Also the following :

RESOLVED, That on the final passage in either house of the legislature of any act which imposes, continues or revives a tax or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the Journal, and three-fifths of all the members elected to either house shall in all such cases be necessary to constitute a quorum therein.

Referred to the Legislative Committee.

Also the following :

RESOLVED, That the credit of the State or any county or town therein shall not in any manner be given or loaned to, or in aid of any individual, association or corporation except for State or county purposes. This section shall not, however, prevent the legislature from making such provision for the education of the deaf and dumb, the blind and the maintenance of such educational, agricultural and mechanical interests and schools as they may think the interests of the people demand.

Referred to the Committee on Public Accounts and Expenditures.

Also the following :

RESOLVED, That there shall be no change in the laws relating to the kind and amount of real and personal property exempt from seizure and sale, for the payment of any debt or contract and shall be the laws now in force as the law of this territory for eleven years from the first of January, 1886.

Referred to the Executive Committee.

Mr. Coffin offered the following resolution:

RESOLVED, That the Seal of the State shall bear the motto, "Under God the People Rule."

Referred to the Committee on Seal of State, Coat of Arms and Design of Same.

Mr. Tousley offered the following resolution and moved that it be discussed in Committee of the Whole:

RESOLVED, That at any time that a petition signed by one-eighth of the female population of the State shall be presented to the legislature, asking said legislature that all the privileges accorded to the male population in their elective franchise may be granted to the female population, then the legislature may cause a special election throughout the State to be held and the question submitted to the female population, and under such laws as govern elections of the male population at that time as to nationality: provided, that said petition is signed by females over 21 years of age and of sound mind, and said petition is vouched for as correct and so signed voluntarily, and said vouchers to be sworn to and signed by at least ten respectable citizens of the State, and said citizens' credibility again vouched for by the representative or judge of the district in which he belongs.

The Chair decided that under the rules of the Convention the resolution must be referred to a standing committee, and referred the same to the Committee on Elections and Right of Suffrage.

Mr. Ryan offered the following resolution:

RESOLVED, That the Judges of the Supreme Court may be at any time required by the Governor to render their opinion upon any legal or constitutional question which he may submit to them.

Referred to the Judiciary Committee.

Mr. Elfes offered the following resolution:

RESOLVED, That attendance at public school shall be compulsory from the age of 6 to 12 years.

Referred to the Committee on Education and School Lands.

Mr. Smith offered the following as a proposed section of the Constitution :

"It shall be the duty of the legislature to establish such a system of revenue that shall assess for taxation all moneys at interest and secured by mortgage in this State, whether owned here or abroad."

Referred to the Committee on Revenue and Finance.

Mr. Blair offered the following as a proposed section of the Constitusion.

"No person shall in time of peace be required to perform any service for the public on any day set apart for his religion as a day of rest or worship.

Referred to the Committee on Bill of Rights.

Mr. Gehon offered the following resolution:

RESOLVED, That it is the sense of this Convention that if all

property of individuals was exempted from execution and forced sale, that the credit of the country would be strengthened and that the moral status of man would be raised to a higher plane.

Referred to the Executive Committee.

Mr. Britton moved that the report of the Committee on Military Affairs be taken up and considered.

Mr. Gehon moved to postpone consideration of said report on account of the absence of the chairman of the committee.

The previous motion was withdrawn.

Mr. Owen moved that the Committee on Rules be requested to report tomorrow morning a recommendation as to the order in which reports of committees should be considered.

Adopted.

Mr. Moody offered the following resolution and moved its adoption:

RESOLVED, That a committee of five members be appointed by the Chair whose duty it shall be to draft a memorial to the President and Congress of the United States setting forth the action of this Convention, the authority under which it was held, the necessity therefor, and asking admission of the State of Dakota into the Union of States under the Constitution hereat formed, if such Constitution shall be adopted by the people of the proposed State.

Adopted.

Mr. Campbell offered the following resolution and moved its adoption:

RESOLVED, That a standing committee of five members be appointed by the President to prepare an address to the people of Dakota and to report the same to this Convention for adoption.

Adopted.

Also the following:

RESOLVED, That the Secretary of this Convention be instructed to forward at once to the Governor of the Territory an attested copy of the resolution of this Convention calling upon him for a copy of the results of the census so far as they have been ascertained.

Adopted.

On motion of Mr. Reed the Convention adjourned.

EIGHTH DAY.

September 15, 1885.

The Convention met and was called to order by the President in the chair.

Prayer was offered by Rev. A. Jamieson, pastor of the M. E. church of Sioux Falls.

The Secretary read the Journal of proceedings of the previous day, which was approved.

The President announced the following standing committee on Impeachment and Removal from office: Haines of Turner, Corson of Lawrence, Miller of Hughes, Proudfoot of Clark, Maynard of Brule, Wilcox of Bon Homme and Smith of Hand county.

The following communication from the Governor of the Territory was presented and read:

CHICAGO, Sept. 11, 1885.

HON. A. J. EDGERTON, President—Dear Sir:

Many thanks for the invitation conveyed in your telegram. I hope to be with you one day about the last of the month. Be kind enough to assure the members of the Convention of my kindest wishes and my sincere hope that the harmony and dignity of their deliberations may add additional strength to the cause they represent.

With high regard, I am yours very sincerely,

GILBERT A. PIERCE.

The following communication was presented and read by the Secretary:

CHICAGO, Sept. 11, 1885.

HON. A. J. EDGERTON, President Constitutional Convention, Sioux Falls, Dak.—Dear Sir:

We take the liberty to address you upon the subject of municipal indebtedness.

We have within the past few years purchased about $250,000 of the bonds of Dakota Territory, and also the bonds of various counties and cities in your Territory, to quite a large amount, and therefore we feel quite an interest, and have felt confidence in the future prosperity of your commonwealth.

In the adoption of a Constitution for the proposed State of South Dakota, in order to secure the confidence and support of eastern capitalists, and also to secure the economical management of your various municipalities by the local authorities, we would recommend that the Constitution should contain a provision similar to the following, to wit:

No county, city, township, school district or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the valuation of the taxable property thereof, to be ascertained by the last assessment for State and county taxes, previous to the incurring of all such indebtedness; and all bonds or obligations in excess of such amount given by such corporation, shall be void.

The above is similar to the provisions of the Constitutions of the States of Illinois, Wisconsin, Indiana, Iowa and Missouri, except in the State of Indiana, where the limit is 2 per centum instead of 5 per centum.

Prior to the adoption of the amendment to the Illinois Constitution, of the character indicated above, many of the cities of the State became heavily involved in debt, some to the extent of 40 per centum of the assessed valuation for taxation, which resulted disastrously to their prosperity. Bonds were voted to the aid of railroads, private manufacturing companies, etc.

Similar experiences were had in the other States mentioned above, and the adoption of a constitutional limit has caused the confidence of the investing public, in various municipal bonds of the States named, to be materially strengthened; and there is today a large and material difference in the market value of bonds issued in similar cities and counties in Minnesota and Iowa; Iowa standing with its constitutional limit, in much higher credit than Minnesota with no constitutional limit to the debts its municipalities can create. The constitutional limit of Indiana will undoubtedly prevent the utter bankruptcy of many townships in that State, which would otherwise have been caused by the excessive issue of township warrants. We refer to the late developments regarding that subject.

We should be pleased to submit any additional facts or information upon the subject that may be desired and would again call attention to the great importance to the future prosperity of your State, of the adoption of a provision limiting the amount of indebtedness as above indicated. No other subject is of more importance to its prosperity.

We trust you will give this matter your consideration and support and in due course refer this letter to the proper committee.

All of which is respectfully submitted.

Yours very truly.

N. W. HARRIS & Co.

The communication was referred to the Committee on Municipal Indebtedness.

Mr. Corson, chairman of the Committee on State, County and Municipal Indebtedness, presented the following report:

REPORT OF THE COMMITTEE ON STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

MR. PRESIDENT:

Your committee to whom was referred the subject of State, County and Municipal Indebtedness, beg leave to submit the following report:

SECTION 1. The State shall not loan its credit or make donations in aid of any individual, association or corporation, nor subscribe to or become the owner of the capital stock of any association or corporation, nor engage in any work of internal improvement.

SEC. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the State may contract debts never to exceed, with previous debts in the aggregate, five hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the State or United States in war, and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose, or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise, shall be irrepealable until such debt is paid.

SEC. 3. No city, county, town, municipality, or other subdivision of the State shall ever make donations to or loan its credit in aid of, or subscribe to the capital stock of any association or corporation, or become responsible for the debts of any individual, association or corporation.

SEC. 4. The debt of any county, city, town, school district or other sub-division shall never exceed five per centum upon the assessed value of the taxable property therein. In estimating the amount of indebtedness which a municipality or sub-division may incur, the amount of indebtedness contracted prior to the adoption of this Constitution shall not be included.

SEC. 5. Any city, county, town, school district or any other sub-division incurring indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable.

SEC. 6. Consent is given that Congress may make such provision for the payment by this State, of the existing indebtedness of the Territory of Dakota as it shall deem just and equitable, and this State shall assume and pay so much thereof as congress may provide.

D. CORSON,
S. H. CRANMER,
J. M. BAKER,
E. P. BEEBE,
J. T. DOW,
DAVID BELLON,
C. E. ANDRUS,
N. TYCHSEN,
JAMES D. CHURCHILL,
Committee.

Mr. Wright, chairman of the Committee on Municipal Corporations, presented the following report:

REPORT OF THE COMMITTEE ON MUNICIPAL CORPORATIONS.

MR. PRESIDENT AND MEMBERS OF THE CONSTITUTION:

Your Committee on Municipal Corporations respectfully report and recommend as a part of the Constitution, the following:

SEC. 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, (4), and the powers of each class shall be defined by general laws, so that no corporations shall have powers, or be subject to any restrictions other than all corporations of the same class. The legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. No municipal corporation shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to, or loan its credit in aid of any such corporation.

SEC. 3. The indebtedness of a municipal corporation shall never exceed in the aggregate five (5) per cent. of the assessed valuation of the property within said corporation without the consent first obtained, to such increase of indebtedness, and the approval of the objects for which the same is to be created, of at least three-fourths ($\frac{3}{4}$) of all the electors of such corporation, to be ascertained in the mode prescribed by law; and in no case hall such indebtedness exceed ten per cent. of such assessed valuation.

SEC. 4. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to any other.

SEC. 5. No street, passenger railway, or telegraph or telephone line shall be constructed within the limits of any village, without the consent of its local authorities.

W. M. WRIGHT,
E. P. BEEBE,
W. H. MURPHY,
N. TYCHSEN,
S. G. UPDYKE,
G. BUECHLER,
Committee.

Mr. Moody, chairman of the Committee on Rules and Order of Business, presented the following report and asked unanimous consent to have the same considered at once:

Mr. President: Your Committee on Rules and Order of Business has had under consideration the matters embodied in the resolution offered by Mr. Owen, of Kingsbury county, relating to the order in which the reports of standing committees shall be considered and begs leave to report the following rule upon that subject:

Rule 47. Under the 7th order of business, the President shall, after announcing the order, present for the consideration of the convention the reports of standing committees in the order of their appointment as found in the second day's proceedings of this convention commencing with the committee on Rules and Order of Business, whereupon it shall be in order to consider the same by the Convention or in Committee of the Whole.

All of which is respectfully submitted.

G. C. MOODY,
THEO. D. KANOUSE,
A. G. KELLAM,
HENRY NEILL,
JAS. A. WARD,
Committee.

On motion of Mr. Moody the report was adopted.

Mr. More, chairman of the Committee on Education and School Lands reported back the resolution offered by Mr Tousley relative to school districts, with the recommendation that the same be referred to the Legislative Committee.

It was so referred.

Mr. Moody, chairman of the Judiciary Committee, presented the following report:

REPORT OF JUDICIARY COMMITTEE.

SEC. 1. The judicial powers of the State, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, circuit courts, county courts, and justices of the peace, and such other courts as may be created by law for cities and incorporated towns.

SUPREME COURT.

SEC. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. The Supreme Court and the judges thereof shall have power to issue writs of habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be prescribed by law, provided, however, that no jury trials shall be allowed in said Supreme Court, but in proper cases questions of fact may be sent by said court to a circuit court for trial before a jury.

SEC. 4. At least two terms of the Supreme Court shall be held each year at the seat of government.

SEC. 5. The Supreme Court shall consist of three judges, to be chosen from districts by qualified electors of the State at large, as hereinafter provided.

SEC. 6. The number of said judges and districts, may, after five years from the admission of the State under this Constitution, be increased by law to not exceeding five.

SEC. 7. A majority of the judges of the Supreme Court shall be necessary to form a quorum or to procure a decision, but one or more of said judges may adjourn the court from day to day, to a day certain.

SEC. 8. The term of the judges of the supreme court, who shall be elected at the first election under this Constitution, shall be four years. At all subsequent elections the term of said judges shall be six years.

SEC. 9. The judges of the Supreme Court shall by rule select from their number a presiding judge who shall act as such for the term prescribed by such rule.

SEC. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this State or the Territory at least two years next preceding his election and at the time of his election be a resident of the district from which he is elected, but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

SEC. 11. Until otherwise provided by law, the districts from which the said Judge of the Supreme Court shall be elected, shall be constituted as follows:

First District: All of that portion of the State lying west of the Missouri river.

Second District: All that portion of the State lying east of the Missouri river, and west of the Dakota river.

Third District: ~~All that portion~~ of the State lying east of the Dakota river.

SEC. 12. There shall be a clerk of the Supreme Court, who shall be appointed by the judges thereof, and who shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the Supreme Court not inconsistent with law.

CIRCUIT COURTS.

SEC. 13. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this Constitution; such jurisdiction as to value and amount and grade of offence, may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

SEC. 14. The State shall be divided into judicial circuits, in each of which there shall be elected by the electors thereof one Judge of the circuit court therein, whose term of office shall be four years.

SEC. 15. Until otherwise ordered by law, said circuits shall be six in number and constituted as follows, viz.:

First Circuit: The counties of Union, Clay, Yankton, Bon Homme, Hutchinson, Hanson, Charles Mix and Douglass.

Second Circuit: The counties of Lincoln, Turner, Minnehaha, McCook, Moody, Lake and Miner.

Third Circuit: The counties of Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Marshall, Roberts, Day and the Wahpeton and Sisseton reservations, and all that strip of Territory now included between the north line of the county of Day and the 46th parallel of north latitude.

Fourth Circuit: The counties of Spink, Beadle, Sanborn, Davison, Aurora, Brule, Buffalo and Jerauld.

Fifth Circuit: The counties of Brown, Hand, Hyde, Hughes, Sully, Potter, Faulk, Edmunds, Walworth, Campbell, McPherson, and including all that portion of said State lying east of the Missouri river, not included in any other judicial circuit.

Sixth Circuit: All that portion of said State lying west of the Missouri river.

SEC. 16. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the State into judicial circuits accordingly, taking care that they be formed of compact Territory, and be bounded by county lines, but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 17. Writs of error, and appeals may be allowed from the decisions of the circuit courts to the Supreme Court under such regulations as may be prescribed by law.

COUNTY COURTS.

SEC. 18. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.

SEC. 19. County courts shall be courts of record and shall have original jurisdiction in all matters of probate guardianship and settlement of the estates of deceased persons and such other civil and criminal jurisdiction as may be conferred by law, provided that such courts shall not have jurisdiction in any case where the debt, damage, claim or value of property involved ~~shall~~ exceed One Thousand dollars, except in matters of probate guardianship and the estate of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the Supreme Court in such cases and in such manner as may be prescribed by law, provided no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

SEC. 20. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legislature may provide.

JUSTICE OF THE PEACE.

SEC. 21. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATE.

SEC. 22. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively, and such police magistrate may also be constituted ex-officio justices of the peace for their respective counties.

STATES ATTORNEY.

SEC. 23. The legislature shall have power to provide for an Attorney General for the State and State's Attorney, and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of Attorney General or States' Attorney who shall not at the time of his election be at least twenty-five years of age and possessing all the other qualifications for judges of circuit courts as prescribed in this article.

MISCELLANEOUS.

SEC. 24. No person shall be eligible to the office of judge of the circuit or county courts, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this State, or Territory at least one year next preceding his election, and at the time of his election be resident of the county or circuit, as the case may be, for which he is elected.

SEC. 25. The judges of the Supreme Court, circuit courts, and county courts shall be chosen at the first election held under the provisions of this Constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may for the purpose of making such provision, extend or abridge the term of office of any of such judges then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the State, shall expire on the same day.

SEC. 26. The time of holding courts within said judicial circuits and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 27. Special terms of said courts may be held under such regulations as may be provided by law.

SEC. 28. The judges of the circuit courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.

SEC. 29. The judges of the supreme court and circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this Constitution, and no such judge shall receive any compensation, perquisite or emoluments for, or on account of his office in any form whatever, except such salary; provided, that county judges may accept and receive such fees as may be allowed under the land laws of the United States.

SEC. 30. No judge of the Supreme Court or circuit courts shall act as attorney or counsellor at law, nor shall any county judge act as attorney or counsellor at law in any case which is or may be brought into his court or which may be appealed therefrom.

SEC. 31. There shall be a clerk of the circuit court in each organized county who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

SEC. 32. Until the legislature shall provide by law for fixing the term of courts, the judges of the Supreme, circuit and county courts, respectively, shall fix the terms thereof.

SEC. 33. All laws relating to courts shall be general and of uniform operation throughout the State, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform; provided, however, the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

SEC. 34. No judge of the Supreme or circuit courts shall be elected to any other than a judicial office, or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office except that of judge of the Supreme Court, circuit court or county court, given by the legislature or the people, shall be void.

SEC. 35. All judges or other officers of the Supreme, circuit or county courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified.

SEC. 36. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election, as follows: All judges of the Supreme, circuit and county courts by the Governor. All other judicial and other officers by the county board of the county where the vacancy occurs; in cases of police magistrates, by the municipality.

SEC. 37. All process shall run in the name of the "State of Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of Dakota."

Mr. Fowler, chairman of the Committee on Federal Relations referred back the communication and petitions upon Sabbath desecration with the recommendation that the same be returned to the Convention to be signed by such members as desire so to do.

Mr. Dollard, chairman of the Committee on Congressional and Legislative Apportionment presented the following report:

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

MR. PRESIDENT:

Your Committee on Congressional and Legislative Apportionment having had under consideration the matter referred to them, respectfully submit the following report and recommend its adoption:

SECTION 1. Until otherwise provided by law, the members of the house of representatives of the United States, apportioned to this State shall be elected by the State at large.

SEC. 2. Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned, as follows:

SENATORIAL DISTRICTS.

District No. 1 shall consist of the county of Union and be entitled to one senator.

District No. 2 shall consist of the county of Clay and be entitled to one senator.

District No. 3 shall consist of the county of Yankton and be entitled to one senator.

District No. 4 shall consist of the county of Bon Homme and be entitled to one senator.

District No. 5 shall consist of the county of Lincoln and be entitled to one senator.

District No. 6 shall consist of the county of Turner and be entitled to one senator.

District No. 7 shall consist of the county of Hutchinson and be entitled to one senator.

District No. 8 shall consist of the counties of Douglas and Charles Mix and be entitled to one senator.

District No. 9 shall consist of the county of Minnehaha and be entitled to two senators.

District No. 10 shall consist of the county of Brule and be entitled to one senator.

District No. 11 shall consist of the counties of Aurora and Jerauld and be entitled to one senator.

District No. 12 shall consist of the county of Davison and to entitled to one senator.

District No. 13 shall consist of the counties of McCook and Hanson and be entitled to one senator.

District No. 14 shall consist of the counties of Moody and Lake and be entitled to one senator.

District No. 15 shall consist of the counties of Sanborn and Miner and be entitled to one senator.

District No. 16 shall consist of the county of Brookings and be entitled to one senator.

District No. 17 shall consist of the county of Kingsbury and be entitled to one senator.

District No. 18 shall consist of the county of Beadle and be entitled to one senator.

District No. 19 shall consist of the counties of Hand and Buffalo and be entitled to one senator.

District No. 20 shall consist of the counties of Codington and Deuel and be entitled to one senator.

District No. 21 shall consist of the counties of Clark and Hamlin and be entitled to one senator.

District No. 22 shall consist of the counties of Grant and Roberts and the territory north thereof and south of the forty-sixth parallel and be entitled to one senator.

District No. 23 shall consist of the county of Marshall and Day and the territory north thereof and south of the forty-sixth parallel and be entitled to one senator.

District No. 24 shall consist of the county of Spink and be entitled to one senator.

District No. 25 shall consist of the county of Brown and the territory north thereof and south of the forty-sixth parallel and be entitled to two senators.

District No. 26 shall consist of the counties of McPherson, Edmunds and Faulk and the territory north thereof and south of the forty-sixth parallel and be entitled to one senator.

District No. 27 shall consist of the counties of Walworth, Potter, Sully and Campbell and the territory north thereof and south of the forty-sixth parallel and be entitled to one senator.

District No. 28 shall consist of the counties of Hyde and Hughes and be entitled to one senator.

District No. 29 shall consist of the counties of Lawrence and Butte and be entitled to two senators.

District No. 30 shall consist of the counties of Pennington, Custer and Fall River and be entitled to one senator.

REPRESENTATIVES.

District No. 1 shall consist of the county of Union and be entitled to three representatives.

District No. 2 shall consist of the county of Clay and be entitled to two representatives.

District No. 3 shall consist of the county of Yankton and be entitled to four representatives.

District No. 4 shall consist of the county of Bon Homme and be entitled to three representatives.

District No. 5 shall consist of the county of Lincoln and be entitled to three representatives.

District No. 6 shall consist of the county of Turner and be entitled to three representatives.

District No. 7 shall consist of the county of Hutchinson and be entitled to three representatives.

District No. 8 shall consist of the county of Douglas and be entitled to one representative.

District No. 9 shall consist of the county of Charles Mix and be entitled to one representative.

District No. 10 shall consist of the county of Minnehaha and be entitled to four representatives.

District No. 11 shall consist of the county of McCook and be entitled to two representatives.

District No. 12 shall consist of the county of Hanson and be entitled to two representatives.

District No. 13 shall consist of the county of Davison and be entitled to one representative.

District No. 14 shall consist of the county of Aurora and be entitled to two representatives.

District No. 15 shall consist of the county of Brule and be entitled to three representatives.

District No. 16 shall consist of the county of Moody and be entitled to two representatives.

District No. 17 shall consist of the county of Lake and be entitled to two representatives.

District No. 18 shall consist of the county of Miner and be entitled to two representatives.

District No. 19 shall consist of the county of Sanborn and be entitled to two representatives.

District No. 20 shall consist of Jerauld county and be entitled to one representative.

District No. 21 shall consist of the county of Brookings and be entitled to three representatives.

District No. 22 shall consist of the county of Kingsbury and be entitled to two representatives.

District No. 23 shall consist of the county of Beadle and be entitled to five representatives.

District No. 24 shall consist of the counties of Hand and Buffalo and be entitled to three representatives.

District No. 25 shall consist of the county of Hyde and be entitled to one representative.

District No. 26 shall consist of the county of Hughes and be entitled to two representatives.

District No. 27 shall consist of the county of Sully and be entitled to one representative.

District No. 28 shall consist of the county of Deuel and be entitled to two representatives.

District No. 29 shall consist of the county of Grant and be entitled to two representatives.

District No. 30 shall consist of the county of Roberts and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 31 shall consist of the county of Hamlin and be entitled to one representative.

District No. 32 shall consist of the county of Codington and be entitled to two representatives.

District No. 33 shall consist of the county of Clark and be entitled to two representatives.

District No. 34 shall consist of the county of Spink and be entitled to five representatives.

District No. 35 shall consist of the county of Faulk and be entitled to one representative.

District No. 36 shall consist of the county of Potter and be entitled to one representative.

District No. 37 shall consist of the county of Marshall and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 38 shall consist of the county of Day and be entitled to two representatives.

District No. 39 shall consist of the county of Brown and the territory north thereof and south of the 46th parallel and be entitled to four representatives.

District No. 40 shall consist of the county of Edmunds and be entitled to one representative.

District No. 41 shall consist of the county of Walworth and be entitled to one representative.

District No. 42 shall consist of the county of McPherson and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 43 shall consist of the county of Campbell and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 44 shall consist of the counties of Fall River and Custer and be entitled to one representative.

District No. 45 shall consist of the county of Pennington and be entitled to one representative.

District No. 46 shall consist of the county of Lawrence and be entitled to four representatives.

District No. 47 shall consist of the county of Butte and be entitled to one representative.

ROBERT DOLLARD,
F. I. FISHER,
A. E. FRANK,
J. M. BAKER,
J. D. MASON,
C. M. GREGORY,
S. M. BOOTH,
CHAS. S. LOWE,
J. B. GODDARD,

Committee.

Mr. Ward offered the following resolution and asked that the same be referred to a special committee:

RESOLVED. That the house of representatives shall consist of three times the number of members of the senate, and the term of office shall be two years; three representatives shall be elected in each senatorial district at the first election provided by this Constitution and every two years thereafter. In all elections of representatives aforesaid each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected.

Mr. Kanouse moved that the rules be suspended and the resolution referred to a special committee.

Motion lost and the resolution referred to the Legislative Committee.

Mr. Elfes offered the following resolution:

RESOLVED, That after five years from the assembling of the first State legislature, the Public School Lands of the State may be offered for sale on the following condition:

One-fourth of the purchase money to be paid at the time of sale, a credit of no less than fifteen years shall be given on the remainder, with interest at the rate of seven per cent. per annum. Payment of one-fourth of the remaining purchase money may, however, be made at the end of every five years from date of sale. The amount of land offered at first sale shall not exceed one-fourth of the whole amount of such lands, and in no case shall lands be sold for less than fifteen dollars per acre. The first legislature shall provide for the leasing of the public school lands for grazing purposes, the revenue derived therefrom to be paid in the general school fund of of the State.

Referred to the Committee on Education and School Lands.

The Committee on Mines, Mining and Water Rights presented the following report:

REPORT OF COMMITTEE ON MINES, MINING AND WATER RIGHTS.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

Your Committee on Mines, Mining and Water Rights, beg leave to report the following to-wit:

SECTION 1. There shall be established and maintained the office of Commissioner of Mines, the duties and salary of which shall be prescribed by law; when said office shall be established the Governor shall with the advice and consent of the senate, appoint thereto a person known to be competent, whose term of office shall be four years.

SEC. 2. The legislative assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall prohibit the employment in the mines, of children under twelve years of age.

SEC. 3. The legislative assembly may make such regulations from time to time as may be necessary for the proper and equitable drainage of the mines.

SEC. 4. The legislative assembly shall provide that the science of Mining and Metallurgy be taught, in at least one institution of learning under the patronage of the State.

WATER RIGHTS.

SEC. 5. The water of every natural stream not heretofore appropriated within the State of Dakota is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

SEC. 6. The right to divert the unappropriated waters of any natural stream to beneficial and necessary uses shall never be denied, priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose,

SEC. 7. All persons and corporations shall have the right of way across public, private and corporate land for the construction of ditches, canals and flumes for the purpose of conveying water for domestic purpose, for irrigation of agricultural lands and for mining, milling and manufacturing purposes and for drainage, upon payment of just compensation.

SEC. 8. The legislative assembly shall provide by law that the board of county commissioners or supervisors as the case may be, in their respective counties shall have power when application is made to them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

S. M. BOOTH,
J. R. HANSON,
J. W. FOWLER,
KIRK G. PHILLIPS,
H. J. GRANT,
C. S. GIFFORD,

Committee.

Mr. Ryan offered the following resolution:

RESOLVED, That corporations shall be denied the right of appeal from judgments rendered against them when the amount is less than fifty dollars.

Referred to the Judiciary Committee.

Mr. Cranmer offered the following proposed sections for the Constitution:

"No person or corporation shall manufacture for sale any intoxicating liquor or sell or keep for sale such liquor as a beverage. The legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable penalties for the violation of the provisions thereof."

"At the same election at which this Constitution is submitted to the people for adoption or rejection, a proposition to strike out the article on Prohibition, shall be separately submitted for adoption or rejection in the following manner: A separate ballot may be presented by each person having a right to vote at such election, to be deposited in a separate box; and those presented for the adoption of such proposition shall have the words, "Shall the article on Prohibition be stricken from the Constitution? Yes," and those presented against the proposition shall have the words, "Shall the article on Prohibition be stricken from the Constitution? No," and if at said election the majority of all the votes cast for and against said proposition shall have the words, "Shall the article on Prohibition be stricken from the Constitution? Yes," then said article on Prohibition shall be stricken from the Constitution and be no part thereof."

Referred to the Committee on Prohibition.

Mr. Gehon offered the following resolution:

RESOLVED, That the legislature of this State shall have power to appropriate one thousand dollars ($1,000) to be donated to one agricultural association in each one of the several counties of this State when they comply with such rules and regulations as the legislature may prescribe by law.

Referred to the Legislative Committee.

Also the following:

RESOLVED, That for the purpose of encouraging manufactures, the legislature may exempt all capital that may hereafter be invested in manufacturing in this State for a term not to exceed five years from the time of investment, under such rules and regulations as the legislature may prescribe.

Referred to the Committee on Revenue and Finance.

Mr. Brown offered the following resolution:

RESOLVED, That the Constitution provide that no legislative enactment for extraordinary purposes, or granting special privileges or power to corporations, shall become a law until it shall have first been submitted to the people to pass upon, and approved by a majority of those voting for or against such measures.

Referred to the Legislative Committee.

Mr. Gehon offered the following resolution:

RESOLVED, That whenever it may occur that two or more counties are embraced in the same representative district for the purpose of forming one senatorial district and one of them having the necessary population to entitle it to one representative, said county shall be entitled to elect said representative, and for election purposes shall be an independent representative district.

Referred to the Committee on Legislative and Congressional Apportionment.

Mr. Coffin offered the following resolution:

RESOLVED, That in the location of all public institutions no bonus shall be received as an inducement to locate the same.

Referred to the Committee on State Institutions and Public Buildings.

The Committee on Public Accounts and Expenditures presented the following report:

REPORT OF COMMITTEE ON PUBLIC ACCOUNTS AND EXPENDITURES.

The following report is made by your committee, who respectfully recommend its adoption:

SECTION 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

SEC. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the State, the current expenses of State institutions, interest on the public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members elected to each branch of the legislature.

SEC. 3. The legislature shall never grant any extra compensation to any public officer, employe, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the State, under any agreement or contract made without express authority of law, and all of such unauthorized agreements or contracts shall be null and void; provided, however, the legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 4. Neither the State nor any county, township or municipality shall loan or give its credit, or make donation to, or in aid of any individual association or corporation, except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation.

SEC. 5. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the legislature shall provide, and such statement shall be submitted to the legislature at the beginning of each regular session by the Governor with his message.

MANFORD E. WILLIAMS,
S. F. HUNTLEY,
E. I. OAKS,
GEO. R. LAYBOURN,
C. J. MAYNARD,
MATT A. RYAN,
J. P. KENDALL,
Committee.

Mr. Cranmer offered the following resolution:

RESOLVED, That no law shall be received or amended by reference to its title only, but the law revised or the section or sections amended shall be enacted and published at length.

Referred to the Legislative Committee.

On motion the Convention went into Committee of the Whole, with Mr. Moody in the chair.

Mr. Moody, chairman of the Committee of the Whole, reported having had under consideration the report of the Legislative Committee, reported progress and asked leave to sit again.

Leave granted.

Mr. Owen moved that consideration of reports of committees be postponed until the members have time to examine the printed copies.

Carried.

Mr. Lichtenwallner gave notice that on tomorrow he would submit a minority report from the Apportionment Committee.

On motion of Mr. Taylor the Convention went into Committee of the Whole to consider the report of the committee on Military Affairs, with Mr. Owen in the chair.

Mr. Owen, chairman of the Committee of the Whole reported back the report of the Committee on Military Affairs with the following recommendations: Strike out in Section 2, all after the word "service" in line 11; strike out the word "Militia" in Section 6, line 26, and insert the word "Military."

The report of the Committee of the Whole was approved.

On motion of Mr. Moody the report of the Committee on Military Affairs as amended was adopted, and referred to the committee on Engrossment and Enrollment.

On motion of Mr. Miller the Convention adjourned.

NINTH DAY.

September 16, 1885.

The Convention met and was called to order by the President in the chair.

Prayer was offered by Rev. A. Jamieson, pastor of the M. E. Church of Sioux Falls.

The Secretary read the Journal of proceedings of the eighth day's session which was approved.

The following communication from Bishop Hare was received and read by the Secretary:

SIOUX FALLS, Sept. 15.

THE HONORABLE A. J. EDGERTON, Chairman of the Constitutional Convention—My Dear Sir:

All Saints School, Sioux Falls, will be dedicated on the afternoon and evening of Thursday, Sept. 17. There will be a service of dedication at four and a half o'clock and a reception in the evening from 8 till 10. It will be a great gratification to the officers of the institution and to me if the members of the Convention will honor either or both of these occasions with their presence.

With great respect, your obedient servant,

WILLIAM H. HARE, Missionary Bishop of South Dakota.

Mr. Ward of Yankton offered the following resolution:

RESOLVED, That the Convention return their thanks for the courtesy of Bishop Hare in extending this invitation to visit the institution under his care.

On motion of Mr. Neill the resolution was adopted.

Mr. Moody, chairman of the Judiciary Committee, presented the following report and read the same to the Convention:

MR. PRESIDENT:

The Judiciary Committee have had under consideration the resolution of Mr. Kanouse requesting your committee to examine and report whether, under the act authorizing this Convention, a proposition submitted separately from the Constitution, and at the same election, if adopted by the people would become legally a part of the Constitution, and upon a careful examination of this question beg leave to submit the following report thereon:

The act under which this Convention assembled, so far as it pertains to the question under consideration, is as follows:

SECTION 1. That for the purpose of enabling the people of that part of Dakota south of the 46th parallel to organize and form a State government and make application for admission into the union of States, a delegate convention is hereby called to meet at the city of Sioux Falls, in the county of Minnehaha in said Territory of Dakota, on Tuesday, the 8th day of September, 1885, at 12 o'clock m. for the purpose of forming a Constitution, republican in form, and performing all other things essential to the preparation of the Territory for making application to the general government for the admission of such part of Dakota into the union of States. * * * * * * *

SEC. 6. Said Convention, after its organization, shall proceed to draft a Constitution for that part of Dakota south of the 46th parallel, republican in form, in which shall be defined the boundaries of the proposed State south of the 46th parallel; it shall be the further duty of said Convention to provide for an election by the people of the proposed State, at which election the said Constitution shall be submitted to the people for ratification, and at which election the State officers, members of congress, members of the legislature and all other officers provided for in said Constitution shall be elected and the said Convention shall have power to provide all necessary means for holding said election and for assembling said legislature when elected and for carrying into effect all the purposes of said Constitution. * * * *

It will thus be seen that the powers conferred by such legislative action are general in character and do not undertake to be specific as to the mode or manner of accomplishing the purpose for which said Convention is assembled.

The purpose is to form a Constitution, republican in form; that is, to draft a Constitution for that part of Dakota south of the 46th parallel of north latitude, which shall be republican in form which shall define the boundaries of the proposed State and submit such draft, thus in form, to the people of the proposed State for their adoption and ratification.

It seems to your committee clear that all that is imposed upon this Convention by way of restriction is that the Constitution thus drafted, shall be as prescribed, republican in form, and contain definite description of the boundaries of the State within the limit which the act prescribes, to-wit: south of the 46th parallel.

That it is within the power of the Convention in performing this duty to submit the Constitution thus drafted, article by article, to the people for ratification or rejection and that those articles which are ratified and adopted by the people would become the Constitution upon which the application for admission would be based, seems to your committee clear beyond doubt, while this Convention may not possess the power in some respects inherent in a Constitutional Convention held for a State already admitted, and that its powers may be said to be delegated powers; still the powers which it possesses, though delegated, are as ample and complete for the purposes for which it is assembled, and are as perfect and complete as are the powers of any Constitutional Convention of any State, and inasmuch as the mode and manner of securing the ultimate purpose and object of this Convention are not defined, the Convention itself may do anything which is necessary or proper to accomplish such ultimate purpose and may provide and arrange the details therefor.

Such ultimate purpose and object is to secure the ratification and adoption of a Constitution for this part of Dakota and it may do so by submitting a draft as a whole or in parts.

It is the final ratification by the people of such parts as they shall adopt that constitutes the Constitution which is to be presented to congress and upon which admission is to be asked.

It is the approval by the people which gives the form, substance and life, and your committee can see no reason why the people should not be permitted to breathe this breath of life into such portions of the form as they may in their wisdom see fit; for whatever portions are thus ratified will become the Constitution, and the manner or mode of securing such ratifiacation is of little consequence.

This Convention may in the arrangement of the details under the power conferred upon it, so provide that the constitution shall be ratified or rejected as a whole, or it may so provide that a part of the draft when adopted by the people shall become the Constitution, and the part not adopted shall form no part of the Constitution; in other words the Constitution depends for its vitality upon the ratification by the people, and we see no reason in principle or in authority why such vitality shall not be allowed to be given to the work of this Convention, in part or in whole.

Certainly the power of this Convention being as ample with reference to all these details as the Convention of any State that ever assembled without specific instructions in their duties in this regard, we have several precedents in the States, which so far as your committee is informed, have never been authoritatively questioned, and we can safely rely upon those precedents set by the assembled wisdom contained in the Constitutional Conventions for such states as Ohio, Nebraska, Illinois and West Virginia, wherein separate propositions were submitted.

Therefore, in answer to the inquiry embodied in the resolution, your committee are of the opinion that under the act authorizing this Convention, a proposition submitted separately from the other parts of the Constitution and at the same election would if adopted by the people become "beyond a shadow of doubt," using the language of the resolution, legally a part of the Constitution. Respectfully submitted,

G. C. MOODY,
JOHN A. OWEN,
D. CORSON,
J. W. FOWLER,
W M. WRIGHT,
A. G. KELLAM,
W. A. LICHTENWALLNER,
J. W. TAYLOR,
ROBERT DOLLARD,
W. W BROOLINGS,
A. HAINES,
J. K. P. MCCALLUM,

Committee.

Moved by Mr. Kanouse that the rules be suspended and the report of the Judiciary Committee just read be concurred in.

Carried.

Mr. Reed, chairman of the Committee on Revenue and Finance presented the following report:

REPORT OF THE REVENUE AND FINANCE COMMITTEE.

MR. PRESIDENT:

Your Committee on Revenue and Finance beg leave to submit the following report and recommend that it be considered favorably by the Convention and that it be adopted as a part of the Constitution.

C. M. REED,
JOSEPH ALLEN,
J. B GODDARD,
GEORGE G. CROSE,
JAMES B. CHURCHILL,
MILES WHITE,
B. B. POTTER,

Committee.

REVENUE AND FINANCE.

SECTION 1. The legislature shall provide for an annual tax sufficient to defray the estimated ordinary expenses of the State for each year, not to exceed in any one year one-half of one per centum of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. And whenever it shall appear that such ordinary expenses shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient with other sources of income to pay the deficiency of the preceding year together with the estimated expenses of such ensuing year. And for the purpose of defraying the public debt, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt, provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year one half of one per centum of the assessed valuation of all taxable property in the State as ascertained by the last assessment made for State and county purposes.

SEC. 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement as may be prescribed by the legislature, so that all the property of corporations and individuals shall bear an equal proportion of the burdens of taxation, and the legislature shall provide for the assessing and levying of taxes on all corporation property in the same manner, and to be performed by the same person or persons as shall by law be provided for the assessing and levying of taxes on individual property.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. The legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased. Moneys loaned and all other property, effects or dues of every description, of all banks and all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. There shall never be a poll tax levied for any purpose in this State.

SEC. 6. The property of the State, county and municipal corporations, both real and personal shall be exempt from taxation.

SEC. 7. The legislature shall, by general law, exempt from taxation property used exclusively for agricultural and horticultural societies, for schools, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

SEC. 8. To encourage the planting and cultivation of timber, the legislature shall, by general law, exempt from taxation for a term of years, not to exceed one-fourth of any quarter section of land and the improvements thereon, to the extent of one thousand dollars in value.

SEC. 9. All laws exempting property from taxation, other than that enumerated in sections 6, 7 and 8 of this article, shall be void.

SEC. 10. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

SEC. 11. All taxes levied and collected for State purposes, shall be paid into the State Treasury.

SEC. 12. The legislature may vest the corporate authority of cities, towns and villages, with powers to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

SEC. 13. The making of profit, directly or indirectly, out of State, county, city, town, or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

SEC. 14. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

Mr. McCallum submitted the following minority report of the Committee on Elections and Right of Suffrage:

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

"Your committee on Elections and Right of Suffrage respectfully submit the following minority report, and recommend that it be incorporated into the majority report and take the place of Section 2 of said report:

SEC. 2. The legislature may extend the Right of Suffrage by general law to any class or classes of citizens of this State not enumerated in Section 1 of this article, provided they shall have the same qualification as to age, residence and citizenship as the electors named in Section 1 of this article. J. K. P. MCCALLUM.

Mr. Westfall, chairman of the Committee on Elections and Right of Suffrage presented the following report:

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

Your Committee on Elections and Right of Suffrage respectfully submit the following report:

ARTICLE THREE.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION 1. Every male person resident of this State, who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, or who shall have resided in the United States one year in this State six months, in the county thirty days, and in the election precinct where he offers his vote ten days next preceding any election shall be deemed a qualified elector at such election:

FIRST: Citizens of the United States:

SECOND: Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

SEC. 2. The legislature may extend the Right of Suffrage to any class or classes of citizens of this State not enumerated in Section 1, by a general law provided that at the same session that such law shall be enacted and in the act enacting the same, the legislature shall provide for submitting said law to a vote of the qualified electors at the next ensuing annual or general election, and that such law shall not go into force and effect unless a majority of the qualified electors at such election shall vote for the same, and if the said act shall receive a majority of such votes then the same shall go into full force and effect as a law of this State.

SEC. 3. All votes shall be by ballot.

SEC. 4. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

SEC. 5. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State or in the military or naval service of the United States.

SEC. 6. No soldier, seaman or marine in the Army or Navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 7. No person under guardianship, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 8. Any woman having the qualifications enumerated in Section 1 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote at any election held solely for school purposes, and may hold any office relating to schools in this State.

SEC. 9. Separately submitted.

Every person residing in this State who shall be of the age of twenty-one years and over, not legally disqualified, who shall have resided in the United States one year, in this State six months, in this county thirty days and in the election precinct where he or she offers to vote ten days next preceding any election, and who shall be a citizen of the United States or who shall have declared his or her intention to become such conformably to the naturalization laws of the United States shall be a qualified elector at all elections in this State.

I. M. WESTFALL,
J. T. DOW,
J. K. P. MCCALLUM,
J. A. WARD,
L. W. LANSING,
DANIEL WILCOX,
FRANK ALEXANDER,
H. J. CAMPBELL,
Committee.

Mr. Brookings, chairman of the Committee on Compensation of Public Officers, presented the following report:

REPORT ON THE COMMITTEE ON COMPENSATION OF PUBLIC OFFICERS.

MR. PRESIDENT:

The Committee has had under consideration the subject refered to it, and would respectfully submit the following report and recommend its adoption:

W. W. BROOKINGS,
GEO. R. LAYBOURN,
J. W. TAYLOR,
GEORGE W. SNOW,
K. G. PHILLIPS,
N. I. LOWTHIAN,
Committee.

SECTION 1. The Governor shall receive an annual salary of Two Thousand Five Hundred Dollars; the Judges of the Supreme Court shall each receive an annual salary of Two Thousand Five Hundred Dollars; the Judges of the Circuit Courts shall each receive an annual salary of Two Thousand Dollars; provided that the legislature may after the year One Thousand Eight Hundred and Ninety increase the annual salary of the Governor and each of the Judges of the Supreme Court to Three Thousand Dollars, and the annual salary of each of the Circuit Judges to Two Thousand Five Hundred Dollars.

The Secretary of State, State Treasurer and State Auditor shall each receive an annual salary of One Thousand Eight Hundred Dollars; the Superintendent of Public Instruction shall receive an annual salary of One Thousand Five Hundred Dollars; the Attorney General shall receive an annual salary of One Thousand Dollars; the compensation of Lieutenant Governor shall be double the compensation of a State Senator.

They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase the salaries of the officers named in this article except as herein provided.

Mr. Beebe, chairman of the Committee on Banking and Currency, presented the following report:

REPORT OF THE COMMITTEE ON BANKING AND CURRENCY.

MR. PRESIDENT:

Your committee appointed to consider the subject, Banking and Currency, begs leave to submit the following report, and recommends its adoption.

SECTION 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this State, of all bills or paper credit designed to circulate as money, and require security to full amount thereof, to be deposited with the State Treasurer in the approved securities of this State or of the United States, to be rated at 10 per cent below their par value and in case of their depreciation the deficiency shall be made good by depositing additional securities.

SEC. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed, but the legislature may provide by general law for the reorganization of such banks.

SEC. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporations to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock;

and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

E. P. BEEBE,
FRANK ALEXANDER,
WILLIS C. STONE,
W. H. GODDARD,
S. H. CRANMER,
E. M. JESSUP,
C. E. ANDRUS,
Committee.

Mr. Dow, chairman of the Committee on Amendments and Revision of the Constitution, presented the following report:

REPORT OF THE COMMITTEE ON AMENDMENTS AND REVISION OF THE CONSTITUTION.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

We, your Committee on Amendments and Revision of the Constitution, beg leave to report the following and recommend that it be made a part of the Constitution:

ARTICLE.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either house of the legislature, and if the same shall be agreed to, by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and it shall be the duty of the legislature to submit such proposed amendment or amendments to the vote of the people at the next general election.

And if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this Constitution, provided, that the amendment or amendments so proposed, shall be published for a period of twelve weeks previous to the date of said election in such manner as the legislature may provide; and provided further that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a Convention to revise this Constitution they shall recommend to the electors to vote at the next election for members of the legislature, for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the legislature shall, at their session, provide by law for calling the same. The Convention shall consist of as many members as the lower house of the legislature, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

J. T. DOW,
W. G. ASHTON,
WILLIS C. STONE,
G. C. BRITTON,
C. S. GIFFORD,
C. M. REED,
D. CORSON,
Committee.

Mr. More offered the following resolution:

RESOLVED, That the Committee on Executive and Administration be requested to provide in their report for a commissioner of school lands for the state.

Referred to the Executive and Administrative Committee.

Mr. Moody offered the following resolution and moved its adoption:

RESOLVED, That the Sergeant-at-arms be instructed to cause to be furnished to each of the reporters of the papers present with this Convention, copies of the printed proceedings and the printed reports of committees and such other printed matter as shall be furnished the Convention.

Adopted.

Mr. Dollard offered the following resolution:

RESOLVED, That no member of this Convention shall be eligible to any office provided for in the Constitution until the expiration of the term of office of the first legislature elected there under and all votes given either by the people or the legislature in violation of this provision shall be void.

Referred to the Legislative Committee.

Mr. Allen offered the following resolution:

RESOLVED, That for the purpose of facilitating the business of the Convention in the adoption of the reports of committees no member be allowed to speak more than five minutes at a time and only once on the same proposition without leave of the Convention.

Referred to the Committee on Rules and Order of Business.

Mr. Frank offered the following preamble and resolution as an amendment to the report of the Committee on Bill of Rights:

WHEREAS, The principles of government of a free people are calculated and intended to guarantee to all the fullest liberty of personal conduct and action consistent with the public welfare and safety; and

WHEREAS, Many schisms and encroachments are now being sprung upon the personal rights and liberties of the individual in other localities which have only been saved the arraignment in bloodshed, riot and insurrection of fellow citizens against each other by a desire for peace and order, and a firm reliance upon the supreme law of the land, for the final determination of rights, and

WHEREAS, It would appear from the many encroachments now being made by the enactment of prohibitory and compulsory education laws and the serious agitation of social equality laws that there seems to be no end to the attempted curtailments of the personal rights, privileges and liberties of the individual reserved in the Constitution of the United States; and

WHEREAS, All such encroachments tend to disturb the peace and good order of society and to promote bloodshed, riot and insurrection; and

WHEREAS, It is desirable in the formation of the Constitution of Dakota to call a halt upon the infringement of the liberties of its people guaranteed them in the Constitution of the United States in the enjoyment of liberty, the acquisition and protection of property and the pursuit of happiness; and

WHEREAS, The blessings of a free government can only be maintained by a firm adherence to justice and frequent recurrence to fundamental principles; now, therefore, be it

RESOLVED, As a part of the Constitution of Dakota that no law shall be passed consistent only with the public welfare and safety of the State, that shall in any manner whatsoever restrict the highest and fullest personal rights and liberties of the people,

Referred to the committee on Bill of Rights.

Mr. Gifford offered the following resolution:

RESOLVED, That no member of this Convention shall speak more than five minutes upon any one question upon the same day without the unanimous consent of this Convention.

Referred to the committee on Rules and Order of Business.

Mr. Schultz offered the following resolution;

RESOLVED, That one qualification of an elector of this State shall be that he has resided in the United States one year, in the State six months, in the county sixty (60) days, and in the election precinct where he offers his vote, twenty (20) days.

Referred to the Committee on Elections and Right of Suffrage.

Mr. Maynard, offered the following resolution:

RESOLVED, That the minimum price at which school lands shall be sold, be fixed at five dollars ($5) per acre.

Referred to the Committee on Education and School Lands.

Mr. Oaks offered the following resolution:

RESOLVED, That the general assembly shall have no power to change or to locate the seat of government of the State, but shall at its first session subsequent to admission as a State into the union, provide by law for submitting the question of permanent location of the seat of government to the qualified electors of the State at the general election next ensuing.

Referred to the Committee on Name, Boundary and Seat of Government.

Mr. Moody offered the following resolution:

RESOLVED, That the stenographers be directed to omit from their transcript such reports, petitions and other documents as appear in the Journal of the Convention, referring thereto intelligibly, and that they be allowed and account be audited by the Committee on Expenses of this Convention, for one transcript of their notes of debates and proceedings, and such transcript be deposited with the same officers having custody of the Journal of the Convention.

Adopted.

Mr. Weatherwax offered the following resolution:

RESOLVED, That we put upon the market and sell one-fourth of our school lands for not less than ten dollars per acre, as soon as we become a State.

Referred to the Committee on Education and School Lands.

On motion of Mr. Brookings the Convention went into Committee of the Whole, with Mr. Miller, of Hughes county in the chair for consideration of the report of the Legislative Committee.

Mr. Miller, chairman of the Committee of the Whole, reported progress in considering the report of the Legislative Committee and asked leave to sit again.

On motion the report was accepted.

Moved by Mr. Brookings to go into Committee of the Whole for consideration of the report of Committee on Bill of Rights.

Motion lost.

On motion of Mr. Dow the Convention took a recess until 2 o'clock p. m.

At 2 o'clock p. m. Convention re-assembled.

The President announced the following committees:

Committee to prepare an address to the people of Dakota: Campbell of Yankton, Brookings of Minnehaha, Kanouse of Sanborn, Gault of McPherson, Miller of Hughes.

Committee to draft a memorial to the President of the United States and congress: Moody of Lawrence, Booth of Custer, More of Beadle, Updyke of Codington, Laybourn of Brown.

Mr. Allen, chairman of the Committee on County and Township Organization, presented the following report:

REPORT OF THE COMMITTEE ON COUNTY AND TOWNSHIP ORGANIZATION.

TO THE PRESIDENT AND MEMBERS OF THE CONSTITUTIONAL CONVENTION:

Your Committee on County and Township Organization begs leave to submit the following report and ask its adoption:

ARTICLE.

SECTION 1. The legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines; but no new county shall be organized so as to include an area of less than sixteen congressional townships as near as may be without dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified, and all changes in county boundaries in counties already organized before taking effect, shall be submitted to the electors of the county or counties to be effected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

SEC. 2. In counties already organized, where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving the majority of all the votes cast at said election shall be the county seat of said county.

SEC. 3. Whenever a majority of the legal voters of any organized county shall petition the county board to change the location of the county seat, which has once been located by a majority vote, specifying the place to which it is to be changed, said county board shall submit the same to the people of said county at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election, then the county seat shall be changed, otherwise not. A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of six years.

SEC. 4. The legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

SEC. 5. In each county there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, surveyor, coroner and superintendent of schools, whose terms of office respectively, shall be two years, and except the clerk of the court, no person shall be eligible for more than four years in any of the above named offices.

SEC. 6. The legislature shall provide by general law for such other county and township officers as may be deemed necessary and shall prescribe the duties and compensation of all county and township officers.

SEC. 7. All county and township officers shall be electors in the county or township in which they are elected.

JOSEPH ALLEN,
FRED F. B. COFFIN,
JAMES B. CHURCHILL.
C. BUECHLER,
GEORGE G. CROSE,
ROBERT J. BROWN,
ANDREW J. BERDAHL,

Committee.

Mr. Lichtenwallner, of the Committee on Congressional and Legislative Apportionment presented the following minority report:

MINORITY REPORT FROM COMMITTEE ON CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

The undersigned members of said Committee, being in the minority, respectfully recommend that the Senatorial Districts as arranged in the majority report of this Committee be modified so as to read as follows:

SENATORIAL DISTRICTS.

Until otherwise provided by law the State shall be divided into thirty-three Senatorial Districts, each of which shall be entitled to one Senator, as follows:

District Number 1; Union.
Dist. No. 2. Clay.
Dist. No. 3. Yankton.
Dist. No. 4. Bon Homme.
Dist. No. 5. Lincoln.
Dist. No. 6. Turner.
Dist. No. 7. Hutchinson.
Dist. No. 8. Douglas and Charles Mix.

Dist. No. 9. Minnehaha county, excepting the city of Sioux Falls.

Dist. No. 10. City of Sioux Falls.

Dist. No. 11. Brule.

Dist. No. 12. Aurora and Jerauld.

Dist. No. 13. Davison.

Dist. No. 14. McCook and Hanson.

Dist. No. 15. Moody and Lake.

Dist. No. 16. Sanborn and Miner.

Dist. No. 17. Brookings.

Dist. No. 18. Kingsbury.

Dist. No. 19. Beadle.

Dist. No. 20. Hand and Buffalo.

Dist. No. 21. Codington and Deuel.

Dist. No. 22. Clark and Hamlin.

Dist. No. 23. Grant and Roberts and the territory north thereof and south of the 46th parallel.

Dist. No. 24. Marshall and Day and the territory north thereof and south of the 46th parallel.

Dist. No. 25. Spink.

Dist. No. 26. That portion of Brown county lying east of James River and territory north thereof and south of the 46th parallel.

Dist. No. 27. That portion of Brown county lying west of James river and territory north thereof, and south of the 46th parallel.

Dist. No. 28. McPherson, Edmunds and Faulk.

Dist. No. 29. Walworth, Potter, Sully and Campbell and territory north thereof and south of the 46th parallel.

Dist. No. 30. Hughes and Hyde.

Dists. No. 31 and 32. Lawrence and Butte until the legislature divides them into separate districts, they shall remain as one district entitled to two senators.

Dist. No. 33. Pennington, Custer and Fall River.

Respectfully submitted,

W. H. LICHTENWALLNER,
W. M. WRIGHT,
M. J. SCHULTZ,
R. C. TOUSLEY,
Committee.

On motion of Mr. Booth the Convention went into Committee of the Whole for consideration of the report of the Legislative Committee with Mr. Brookings in the chair.

Mr. Brookings, chairman or the Committee of the Whole, reported that the committee had passed upon the report of the Legislative Committee, and reported the same back with the following recommendations:

Strike out "55" in line 5, and insert "75" in lieu thereof.

Strike out "125" in line 5, and insert "135" in lieu thereof.

Add to line 19, "and who shall not have attained the age of twenty-five years."

Add to section 40, the words, "Conditional that the legislature may make an apportionment at its first session after the admission of Dakota as a State."

Strike out the words "they shall" in line 78, and insert the words " of necessary."

Add to section 9, the words "except as otherwise provided in this Constitution,"

Strike out section 11, all down to and including the word, "void" in line 108, and insert, "no member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected; nor shall any member receive any civil appointment from the Governor, the Governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void."

Strike out the word "had" in line 119, and insert the word "taken."

Strike out the words, "it shall be" in line 120.

Strike out section 17 and substitute the following:

"SEC. 17. No law shall embrace more than one subject which shall be expressed in its title. General appropriation bills shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments of State, interest on the public debt, and for public schools: All other appropriations shall be made by separate bills, each bill embracing but one subject."

Strike out the word "authorized" in line 167.

Insert before the word "incurred" in line 171, the words "for expenses".

The Committee also recommended the reference of Sec. 18. back to the Legislative Committee:

The Committee also recommended the addition of the following sections to the report:

"SEC. — A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon."

"SEC. — A member of the legislature who shall solicit, demand or receive or consent to receive directly or indirectly, for himself or another, from any company, corporation or person any money, office, appointment, employment, testimonial, reward, thing or value or enjoyment, or of persoual advantage or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding express or implied, that his vote or official action shall be in any way influenced thereby or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law."

The Committee also recommended that the following proposed additional sections to the report of the Legislative Committee be referred to the Legislative Committee:

SEC. — The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for granting divorces; changing the names of persons or places; laying out, opening, attiring and working roads or highways; locating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county and township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace; police magistrates and constables; providing for changes of venue in civil and criminal cases; incorporating cities, towns, or villages, or changing or amending the charter of any town, city or village; providing for the election of members of the board of supervisors in townships, incorporated towns or cities; summoning and impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money, the opening and conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or other under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said

officers are elected or appointed; changing the law of descent, granting to any corporation, association or individual the right to lay down railroad tracts, or amend existing charters for such purpose; granting to any corporation, association or indidual any special or exclusive privilege, immunity or franchise whatever; in all other cases where a general law can be made applicable, no special law shall be enacted."

"SEC. — The legislature shall not delegate to any special commisions, private corporation or association any power to make, supervise, or interfere with any municipal improvement, money, property, effects, whether held in trust or otherwise or to levy taxes, or to select a capital site, or to perform any municipal functions whatever."

"SEC. —. Any person who shall directly or indirectly give, demand, offer any money, testimonial, privilege, thing of value, or personal advantage to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery, and shall be punished in such manner as shall be provided by law.

The making of corrupt solicitation of members of the legislature or public officers of the State, or any municipal division thereof, and any effort toward solicitation of said members of the legislature or officers to influence their official influence, shall be defined by law, and shall be punished by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceeding against any person charged with having committed an offense, or bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position, or office of trust or profit in this State."

"No bill making an appropriation, except the general appropriation bill shall be passed except by a two-thirds vote of the members of each house of the legislature."

"SEC. —. The apportionment of this State for members of the senate shall be made by the legislature every five years beginning with the year A. D. 1886, on the basis of the whole population as ascertained by the Federal or State census."

"SEC. —. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year A. D. 1887, and every two years thereafter."

"SEC. —. In all elections of representatives aforesaid each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

SEC. —. The foregoing sections shall be submitted to the legal voters of the State in the manner and form as may be provided in the schedule; and if it shall appear that a majority of the votes cast are for them, then said sections shall be a part of the Constitution and shall substitute the provisions of the legislative article, with which they conflict; but if the majority of the votes are cast against said sections then they shall be void and of no effect.

On motion, the report was adopted.

Mr. Campbell moved that the Sergeant-at-arms and janitor be instructed to have the Convention hall ready hereafter for evening sessions.

Carried.

Mr. Moody, chairman of the Committee on Rules and Order of Business, presented the following report:

"Your Committee on Rules and Order of Business have had under consideration the resolution of Mr. Allen, of Turner, relating to the limitation of time for speeches, and report the said resolution back to the Convention with a recommendation that the same do pass.

G. C. MOODY,
A. G. KELLAM,
THEO. D. KANOUSE,
HENRY NEILL,
HUGH J. CAMPBELL,
JAS. WARD,
Committee."

On motion the report was adopted.

Mr. Moody moved that the rule governing the hour for convening the Convention be amended so that hereafter sessions shall be held daily at 10 a. m., 2 p. m. and 7½ p. m.

Carried.

Mr. Ward of Yankton, Chairman of the Committee on Seal of State, Coat of Arms and Design of Same, presented the following report:

The design of the Great Seal shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left foreground a range of hills.

In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat.

Properly divided between the upper and the lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the State of Dakota.

Exterior to this circle, and within a circumscribed circle shall appear, in the upper part, the words, "State of Dakota." In the lower part the words, "Great 188— Seal," and the date in Arabic numerals of the year in which the State shall be admitted to the Union.

JOSEPH WARD,
H. H. BLAIR,
SAMUEL MILLER,
I. M. WESTFALL,
ISAAC GRAY,
Committee.

Mr. Taylor offered the following resolution:

RESOLVED, That the Memorial Committee of this Convention be instructed to draft a suitable memorial to Congress asking that when the State of Dakota shall be admitted into the Union, or an enabling act passed therefor, at least one section of the public domain upon the public domain, at or near Fort Thompson, be given to the State for the use of the State, and if desired in part for its seat of government, and that Congress in the meantime be further memorialized to take some action looking to the selection and setting apart of such land for such purpose.

Referred to the Committee on Memorial to Congress:

Mr. Walton offered the following resolution:

RESOLVED, That all occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax, but the legislature may by general laws exempt from taxation public property used for public purposes, actual places of worship, places of burial not held for private or corporate profit, all buildings used exclusively and owned by persons or associations for school purposes (and the necessary furniture of all schools), and institutions of purely public charity, and all laws exempting property from taxation, other than the property above mentioned, shall be void.

Referred to the Committee on Revenue and Finance.

On motion of Mr. Neill the Convention adjourned.

TENTH DAY.

September 17, 1885.

The Convention met and was called to order by the President in the chair.

Prayer was offered by Rev. A Jamieson, pastor of the M. E. church of Sioux Falls.

The Secretary read the Journal of the preceding day, which was approved.

Mr. Neill moved to reconsider the vote of yesterday whereby the Convention voted to hold three sessions daily.

Carried.

Mr. Neill moved to amend the motion fixing three sessions daily, at 10 a. m., 2 p. m. and 7:30 p. m., by fixing the number of sessions at two daily, at 9 a. m. and 2 p. m.

Carried.

The amended motion was adopted.

Mr. Ward of Yankton presented and read the following petition from citizens of Yankton:

"To the members of the Constitutional Convention now framing a Constitution for the State of Dakota:

GENTLEMEN:

The undersigned residents of Yankton, believing that the welfare of our coming State would be greatly promoted by allowing both sexes to use the ballot on the same terms, hereby respectfully petition your honorable body to submit a clause granting this right, to be voted for separately by the people and becoming a part of the Constitution if it shall receive a majority of the votes cast for the Constitution.

(Signed,) Steward Sheldon and forty-four others."

Referred to the Committee on Elections and Right of Suffrage.

The following communication from W. H. Lyon was presented and read by the Secretary:

"To the Constitutional Convention:

"I respectfully request that your honorable body incorporate in the Constitution the following sections:

SECTION 1. The legislature shall have power to draft and submit any bills to the people for approval and any bills so approved by the people shall never be repealed or amended by the legislature.

SEC. 2. The legislature shall enact no laws concerning railroad or telegraph corporations, but such bills shall be drafted by the legislature and submitted to the people.

SEC. 3. No session of the legislature shall appropriate to any public institutions more than Three Thousand Dollars in excess of its current expenses.

SEC. 4. No bill of, submitted to the people by the legislature, shall contain an appropriation to more than one public institution.

SEC. 5. The legislature shall have power by giving at least twenty days' notice to call an election upon any bills submitted to the people by the legislature. Each of such bills shall be numbered or entitled, and the people may vote for or against any or all of the submitted bills, by their numbers or titles, and any bill receiving more legal votes for it than against it at such election shall become a law, and shall take effect thirty days after such election unless otherwise provided in the bill.

Sioux Falls, September 15, 1885.

Respectfully,

W. H. LYON."

Referred to the Legislative Committee.

A communication from Marietta M. Bones upon the subject of Woman Suffrage was presented and read by the Secretary.

Referred to the Committee on Elections and Right of Suffrage.

Mr. Kanouse, chairman of the Legislative Committee presented the following report:

MR. PRESIDENT:

"Your Committee on the legislative department of the Constitution has had under consideration, the resolution of Mr. Walton, of Brookings county providing that:

I. "The legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension," and report the same back without recommendation.

II. Also the resolution of Mr. Owen providing that, "no railroad or other transportation company shall grant a free pass or other special favor to the Chief Executive of the State, any judge of a court of record, member of the legislature or railroad commissioner, and the acceptance thereof shall work a forfeiture of office," and as the subject matter thereof is included in reports already submitted, in part, would report the same back, suggesting that so far as the entire provisions of the resolutions are not met in reports under consideration, they be offered as amendments during the consideration of said reports in Committee of the Whole.

III. Resolution of Mr. Brown providing that "no legislature enactment for extraordinary purposes, etc., shall become a law until its submission to and approval by the people," and the subject matter of said resolution being covered by petition of Mr. Lyon now before the convention, report the resolution back without recommendation.

IV. Resolution of Mr Dollard prohibiting members of this Convention from being elected to the first session of the legislature of the State, is herewith reported back without recommendation.

V. SECTION—Offered by Mr. Campbell of Yankton as follows: 'The legislature shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property effects, whether held in trust or otherwise, or to levy taxes, or to select a capitol site, or to perform any municipal functions whatever," and it is reported back with the recommendation that it be adopted.

VI. Also by Mr. Campbell: SEC.—Providing against bribery and report the same back with recommendation that it pass.

VII. Also resolution of Mr. Williams of Hand county, and refer the same back with recommendation that it be adopted.

VIII. Section 1, 2 and 3 introduced by Mr. Ward of Hughes, providing for minority representation, and report the same back with the recommendation that the Schedule Committee provide for the submission of the same to a separate vote of the people.

IX. The amendment to the section providing against special legislation, offered by Mr. Campbell of Yankton, with the recommendation that it be adopted as follows:

SECTION—The legislature is prohibited from enacting any private or special laws in the following cases:

I. Granting divorces.

II. Changing the names of persons or places, or constituting one person the heir-at-law of another.

III. Locating or changing county seats.

IV. Regulating county or township affairs.

V. Incorporating cities, towns and villages.

VI. Sale or mortgage of real estate belonging to minors or others under disability.

VII. Authorizing persons to keep ferries across streams wholly within the State.

VIII. Remitting penalties or forfeitures.

IX. For granting to an individual, association or corporation, except municipal, any special or exclusive privilege, immunity or franchise whatever, but the legislature may repeal any existing special law, relating to the foregoing subdivisions.

SECTION—The legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liabilities, or obligation of any corporation or individual to this State or to any municipal corporation therein.

All of which is respectfully submitted.

THEO. D. KANOUSE,
H. M. SMITH,
N. I. LOWTHIAN,
C. J. MAYNARD,
STEPHEN JONES,
R. A. PROUDFOOT,
H. J. GRANT,
J. R. HANSON,
Committee.

Mr. Frank, chairman of the Committee on Names, Boundaries and Seat of Government, presented the following report:

REPORT OF THE COMMITTEE ON NAME, BOUNDARIES, SEAT OF GOVERNMENT OF STATE.

MR. PRESIDENT:

Your Committeê having had under consideration the Name, Boundaries and Seat of Government of State, having had the same under consideration, beg leave to submit the following report:

A. E. FRANK,
F. I. FISHER,
C. M. REED,
JOHN H. PATTEN,
H. H. BLAIR,
N. I. LOWTHIAN,
W. H. MURPHY,
Committee.

SEC. 1. The name of the State shall be Dakota.

SEC. 2. The boundaries of the State of Dakota shall be as follows: beginning at the point of intersection of the western boundary of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the forty-sixth degree of north latitude, thence west along the forty-sixth degree of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

SEC. 3. The question of the location of the temporary seat of government, shall be submitted to a vote of the electors of the proposed State of Dakota in the same manner and at the same election at which this Constitution, shall be submitted and the place receiving the highest number of all the votes cast on this question shall be the temporary seat of government until a permanant seat of government shall be established as hereinafter provided.

SEC. 4. The legislature at its first session after the admission of this State, shall provide for the submission of the question of a place for a permanent seat of government, to the qualified voters of the State and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

Mr. Kellam, chairman of the Executive Committee presented the following report:

"The Committee on Executive and Administrative department of the Constitution having had under consideration the resolucion of J. H. More in relation to a Committee of School Lands beg leave to submit the following report:

In Sec. 11 of the report of the said Executive and Administrative Committee in line "37" thereof after the words "Public Instruction" insert the words "Commissioner of School and Public Lands."

In Sec. 12 of said report insert after the words "Public Instruction" in line "43', insert the words "Commissioner of School and Public Lands."

Respectfully Submitted

A. G. KELLAM, Chairman.

Mr. McCallum of the Committee on Seal of State, Coat of Arms and Design of Same, presented the following minority report:

Mr. President and Gentlemen of the Convention:

Your Committee to whom was referred the Seal of State, Coat of Arms and Design of Same, respectfully submit a minority report as follows:

That the motto of the State of Dakota shall be "The People Rule," instead of "Under God the People Rule," and the minority move the adoption of this report instead of the majority report. J. K. P. MCCALLUM, Minority of Committee.

Mr. Owen, chairman of the Committee on Bill of Rights presented the following report:

Mr. President: The Committee on Bill of Rights respectfully make a further report and recommend the following sections as a part of the Constitution and that in the arrangement of sections, Section 27 as now printed be the last section of the Bill of Rights.

SEC. —. No person shall in time of peace be required to perform any service for the public on any day set apart by his religion as a day of rest.

SEC. —. The principles of government of a free people require liberty of personal action so far as consistent with the public welfare and safety, and this liberty is forever guaranteed.

Respectfully submitted Sept. 17, 1885.

JOHN A. OWEN, Chairman.

Mr. Bellon, chairman of the Committee on Exemptions, Real and Personal begs leave to submit the following report:

ARTICLE.

SEC. 1. The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law to all heads of families, and a reasonable amount of property, the kind and value of which to be fixed by general laws, but no change in the exemption laws shall be effective in the collection of any debt contracted prior to the adoption of this constitution.

DAVID BELLON,
JOSEPH ALLEN,
THEODORE ELFES,
ISAAC GRAY,
F. H. CRAIG,
ALBERT GUNDERSON,
Committee.

Mr. Gehon of the Committee on Exemptions presented the following minority report:

Mr. President: We, a minority of your Committee on Exemptions in order to counteract the evil influence of the personal exemption laws have deemed it advisable to place a positive maximum limit to the amount of exemptions and respectfully submit the following article, sincerely urging its adoption:

JEREMIAH GEHON,
JOHN DAHL,
GEO. L. WRIGHT.
Committee.

ARTICLE.

SEC. 1. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws exempting a reasonable amount of property real and personal from seizure or sale for payment of any debt or liability hereafter contracted.

SEC. 2. Provided that the amount of real estate exempted shall in no case exceed in value the sum of two thousand (2000) dollars, nor the amount of personal property exempted exceed in value the sum of one thousand (1000) dollars.

SEC. 3. In no case shall section 1 of this article be so construed as to exempt any real property from execution for a claim for labor performed thereon, or for the purchase price thereof.

Mr Owen chairman of the Committee on Prohibition presented the following report:

REPORT OF THE COMMITTEE ON PROHIBITION.

MR. PRESIDENT:

The Special Committee upon Prohibition respectfully report that they have given the subject careful consideration, and from conversation with nearly every member of the Convention; from the utterances of the press of the Territory; and from the individual knowledge of members of this Committee; of the opinions and sentiments of the people of Dakota south of the 46th parallel; we are unanimously of the opinion that the subject of Prohibition of the traffic in intoxicating liquors in Dakota, is one in which the whole people take a profound interest, and one second to none other before this Convention.

They are also of the opinion that a very large number of the voters of Dakota are looking to this Convention in anxious expectation that the question of the prohibition of the traffic referred to by Constitutional enactment will be submitted to them for determination, and your Committee believes that this question should without hesitation be submitted by this Convention to the people.

We further respectfully report that we have considered the form of the proposition and method of submission and recommend the following:

FIRST. The proposition to be submitted shall be in the following words, to be inserted as a section to be duly numbered in an appropriate article——in the Constitution:

"No person or corporation shall manufacture or aid in the manufacture for sale, any intoxicating liquor; no person shall sell or keep for sale as a beverage any intoxicating liquor. The legislature shall by law prescribe regulations for the enforcement of the provisions of the section and provide suitable and adequate penalties for the violation thereof.

SECOND. Provision to be made in the schedule for a vote by the legal voters to whom the Constitution shall be submitted, and on the same ballot immediately following the vote upon the remainder of the Constitution, so that every voter shall have an opportunity to vote upon said section and adopt or reject the same, and that no ballot be counted for or against the Constitution or any part thereof unless upon the same ballot, words are printed or written so as to afford the same facility for voting upon said section as is afforded for voting upon the remainder of the Constitution, and that if a majority of votes upon said section are for it, it shall be and remain a part of the Constitution, but if a majority of all the votes upon said section are against it, it shall form no part of the Constitution.

We further recommend that the section be submitted, in the manner eight separate sections were submitted by the Constitutional Convention of Illinois to the people of that State in 1870. We are led specially to make this last recommendation because the enactments of that State were submitted with such care and by so able a Convention that it is to be presumed they were placed before the people in the best possible form to enable voters to cast their ballots safely and intelligently. We are further strengthened in making this recommendation by the fact that at an informal meeting of some of the delegates to this Convention held day before yesterday, the question of proper method of submission was considered and the Illinois plan appeared upon examination so simple and clear that they by a vote of 34 against 3 expressed their approval.

Sept. 17th, 1885. Respectfully submitted,

JOHN A. OWEN,
JAMES H. MORE,
R. CRAWN WALTON,
FRANK GAULT,
J. B. GODDARD,
J. T. DOW,
E. M. JESSUP,
Committee.

The report was made the special order for Friday, 2 P. M.

The following communication from the Surveyor-General was presented:

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
DISTRICT OF DAKOTA.

Huron Sept. 16, 1885.

Hon. A. E. Frank, Chairman Committee on Boundaries, Name etc., Constitutional Convention, Sioux Falls, Dakota.

"Sir:—I am in receipt of your communication of the 12th inst. requesting my certificate as to what organized counties of this Territory are intersected by the 46th parallel of north latitude, whether said parallel is the boundary of any organized counties, and also what amount of territory south of said parallel belongs to such counties as are intersected thereby.

In reply I will state that the records of this office do not show that any observations have ever been taken for the purpose of determining the location of said parallel, and, so far as I know, it has never been located within the boundaries of this Territory.

To determine its exact location will require that a series of astronomical observations be taken in close vicinity to the same.

The latitude of this office, however, has been determined and found to be 44 deg., 21 min., 03 sec., north; or 1 deg., 38 min., 57 sec., south of the 46 deg. of north latitude.

This measurement reduced to surface measurement equal 601,313 feet, and by adopting the measurements made by government surveyors on lines running due north from this point it will place said parallel 5 miles and 20 chains (5¼ miles) north of the seventh standard parallel, which standard parallel is the south boundary of township 129 north, and also the south boundary of the organized counties of Emmons, McIntosh, Dickey, Sargent and Richland.

From these computations it appears, that the above are all the organized counties that are intersected by the 46th parallel and the amount of Territory (being a strip 5¼ miles wide) lying south of said parallel in each county, is as follows:

Emmons County	103,653.66	Acres
McIntosh "	141,316.41	"
Sargent "	125,758.92	"
Dickey "	160,634.77	"
Richland "	106,713.20	"
Total	638,076.96	"

In this connection I will take occasion to suggest that when the line is eventually run and marked as a boundary, the surveyor should connect the same with each line of government surveys which he may intersect, by measuring and noting the distance to the nearest established corners on said lines in order to allow proper suggestions to be made of the lands along said boundary.

Very Respectfully,

MARIS TAYLOR, Surveyor General."

The following resolution was offered by Mr. Proudfoot:

RESOLVED, That the legislature of this State shall pass no law exempting from taxation any agricultural or horticultural societies, churches, sectarian schools and colleges and cemeteries.

Referred to the committee on Revenue and Finance.

The following resolution was offered by Mr. Hanson:

RESOLVED, That the rate of taxation on property for State purposes may never exceed 4 mills on each dollar of valuation, and whenever the taxable property within the State shall amount to Eighty Million Dollars ($80,000,000) the rate shall not exceed 3 mills on each dollar of valuation, and whenever the taxable property within the State shall amount to One Hundred Million dollars ($100,000,000) the rate shall never thereafter exceed 2 mills on each dollar of valuation of property, except in consequence of great public necessity, brought about by invasion, insurrection, famine or other great public calamity of general extent the legislature may by a two-thirds vote of both houses increase the rate to meet the emergency.

Referred to the Committee on Revenue and Finance.

Mr. Schultz offered the following resolution:

RESOLVED, That the Secretary of State shall at the State's expense deliver to each county clerk and each township clerk and each justice of the peace, each one copy of the present laws of the State; and after each session of the legislature one copy of the laws passed and changed at that session.

Referred to the Legislative Committee.

Mr. Tousley offered the following resolution:

RESOLVED, That the members of the legislature shall be apportioned among the several counties of the State by the first legislatare as nearly as may be according to their respective inhabitants, excluding aliens, and shall be chosen by single districts and free and independent in their elective franchises, each of which districts shall consist of convenient and contiguous territory equal to the number of members of the legislature to which such counties shall be entitled, and the legislature shall cause to be filed in the office of Secretary of State and the clerks of the respective counties of the State a description of said district specifying the number of each district and the population thereof according to the last preceding enumeration of inhabitants of the State, and counties as near as can be ascertained, and the apportionment and districts shall remain unaltered until another shall be made and provided for by law, and no corporate town having the requisite number of inhabitants to entitle it to a senatorial representative shall be divided, nothing in this section shall prevent the division at any time of counties and towns and the erection of new towns and counties by the legislature, and the above section shall not be so considered as to prevent the legislature from making special arrangement in such counties of Lawrence and Butte and others where the government survey and other inoperative circumstances prevail, but the legislature shall rectify all such circumstances as expediently as possible.

Referred to the Legislative Committee.

Mr. Moody moved to take up for consideration the report of the Legislative committee upon the various resolutions referred to said committee.

Carried.

On motion of Mr. Brookings the first recommendation of said committee was indefinitely postponed.

Moved by Mr. Campbell that consideration of the report be postponed until the recommendations of said committee are printed.

Carried.

Mr. Corson moved that consideraton of the special report of the legiglative committee be made a special order for tomorrow at 10 o'clock.

Carried.

Mr. Williams of the Committee on Preamble presented the following report:

To the President and members of the Constitutional Convention. A majority of your Cominittee on the Preamble respectfully submit the following report:

Preamble: We the people of Dakota grateful to Almighty God for our civil and religious liberties and desiring to secure them forever, in order to form a more perfect and independent government and promote the general welfare, do ordain and establish this Constitution for the State of Dakota.

ANDREW J. BERDAHL,
G. C. BRITTON,
MANFORD E. WILLIAMS,
Committee.

Mr. Moody moved that the convention take up for consideration the report of the Judiciary Committee.

Carried.

Sections 1 and 2 were read and adopted.

Section 3 was read.

Mr. Jessup moved to postpone consideration of the report.

Motion lost.

Mr. Haines moved to substitute in place of Section 4 the following: "The supreme court shall be held at the seat of government and not less than two terms shall be held each year."

Motion lost.

Mr. Updyke moved to amend section 4 by adding to it at the close the words, "provided that no term of the supreme court shall be held outside the boundaries of the State."

Motion lost.

Section 4 was approved.

Sections 5, 6, 7, 8 and 9 were approved.

Mr. Lowthian moved to amend section 10 by striking out of line 2 on page 5 the words, "unless he be learned in the law."

Motion lost.

Section 10 was adopted.

Mr. Neill moved to amend section 11 by changing the boundaries of the second and third districts.

Motion lost.

Section 11 was adopted.

Mr. Moody moved to amend section 12 by inserting in line 22 after the word "court" the words, "and reporter."

Carri d.

Mr. Brookings presented the following communication from the Mayor of Sioux Falls:

JUDGE BROOKINGS:

DEAR SIR.—Ask the convention to adjourn this p. m. and go to the fair. They desire you to do so.

Yours, W. H. Ross.

Moved by Mr. Brookings to so adjourn.

Motion lost.

On motion, the Convention adjourned.

AFTERNOON SESSION.

The Convention met and was called to order by the President.

The report of the Judiciary Committee being under consideration:

Sections 12, 13, 14, 15, 16, 17, 18, 19 and 20, were adopted.

Mr. Neill moved to reconsider the motion whereby section 11 was adopted.

Carried.

Mr. Neill moved to amend section 11 by adding to line 19 the words, "and north of the second standard parallel," and adding to line 21 the words, "and south of the second standard parallel."

The amendment was adopted.

Section 11 as amended was adopted.

Mr. Dow moved to amend section 2 by striking out in line 16 the word "one" and inserting the word "two."

Motion lost.

Sections 21, 22, 23 and 24 were approved.

Mr. Brookings moved to amend section 25 by striking out all of the said section after the word "law" in line 2, page 5, down to line 7.

Motion lost.

Mr. Stone moved to refer section 25 back to the committee for amendment.

Motion lost.

Sections 25, 26, 27, 28, 29, 30, 31 and 32, were approved.

Mr. McCallum moved to amend section 33 by striking out the words, "the jurisdiction and," in line 6, page 6.

Motion lost.

Sections 33, 34, 35 and 36, were approved.

Mr. Cranmer moved to amend section 37 by inserting in line 27 between the words "of" and "the," the words, "the people of."

Motion lost.

Mr. McCallum moved to amend section 37, so as to make the method of process to be "The State of Dakota."

Motion lost.

On motion of Mr. Moody the report as amended was adopted and referred to the Committee on Engrossment and Enrollment.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment reported back to the Convention, the report of the Committee on Military Affairs.

Engrossed as adopted.

On motion of Mr. Moody the Engrossed Military Bill was referred to the Committee on Arrangement and Phraseology.

Mr. Reed, chairman of the Committee on Revenue and Finance, presented the following supplemental report:

SUPPLEMENTAL REPORT OF THE REVENUE AND FINANCE COMMITTEE.

MR. PRESIDENT:

Your committee on Revenue and Finance beg leave to submit the following report and ask that it be favorably considered by the Convention and it be adopted as a part of the Constitution:

C. M. REED,
GEORGE G. CROSE,
JOSEPH ALLEN,
J. B. GODDARD,
JAMES B. CHURCHILL,
MILES WHITE,
B. B. POTTER,
Committee.

SEC. 15. The legislature shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments for State, county, municipal or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive State or county taxes; and there shall be no sale of said property for any of said taxes or assessments, but by said officer, upon the order or judgment of some court of record.

SEC. 16. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessment of any character, whatever, shall exist in favor of, owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the legislature shall provide by law, for reasonable notice to be given to the owners or parties interested, by publication, or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire; provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Mr. Updyke presented the following minority report of the Committee on Preamble.

MINORITY REPORT OF THE COMMITTEE ON PREAMBLE.

The Committee on Preamble, having had under consideration the subject referred to it, beg leave to submit the following minority report:

PREAMBLE.

We, the people of Dakota, south of the forty-sixth parallel of north latitude, having the right of admission into the Union on an equal footing with the original States and having complied with all the conditions made necessary to the exercise of such right by the cession from France of the province of Louisiana, and by an act of Congress extending to the inhabitants of this portion of the Territory of the United States, the right, privileges and immunities secured to the people of the Territory northwest of the river Ohio, by the ordinance of 1787, invoking the pledges of Congress, the guarantees of the Federal Constitution and the blessing of Almighty God, in order to form a more perfect government, establish justice, promote the general welfare and secure our liberties forever, do ordain and establish this Constitution for the government of the State of Dakota.

Respectfully submitted

STEPHEN G. UPDYKE, Chairman.

On motion of Mr. Kellam the Convention went into Committee of the Whole with Mr. Reed in the chair for consideration of the report of the Committee on Executive and Administrative.

Mr. Kellam was called to the chair.

Mr. Reed, chairman of the Committee of the Whole, reported having considered the report of the Committee on Executive and Administrative and reported the same back to the Convention approved with the following amendments:

Insert the word "he" after the word "shall" in Sec. 2, line 8.

Insert the words "or otherwise" after the word "disease" in Sec. 7, line 40.

Insert the words "commissioner of Public and School Lands" after the word "Instruction" in Sec. 11, line 37, and in Sec. 12, line 43.

On motion of Mr. Moody the report of the Committee of the Whole was adopted and the report of the Committee on Executive and Administrative as amended was adopted and referred to the Committee on Engrossment and Enrollment.

Mr. Owen moved that the Convention take up for consideration the supplemental report of the Committee on Bill of Rights.

Mr. Neill moved to amend by going into Committee of the Whole.

The amendment prevailed and the Convention went into Committee of the Whole with Mr. Haines in the chair.

Mr. Haines, chairman of the Committee of the Whole, reported, having considered the report of the Committee on Bill of Rights, had made progress and asked leave to sit again.

The report was adopted and leave granted.

Mr. Kanouse chairman of the Legislative Committee reported back the resolution of Mr. Tousley referred to said Committee with recommendation that the same be referred to the Committee on Apportionment.

It was so referred.

Mr. Kanouse also reported back the resolution of Mr. Smith with recommendation that the same be indefinitely postponed.

The recommendation was adopted.

On motion of Mr. Owen consideration of the report of the Committee on Prohibition was made the special order for September 18th at 2 P. M.

Mr. Updyke asked and was granted leave of absence.

On motion the Convention adjourned.

ELEVENTH DAY.

September 18, 1885.

The Convention met and was called to order by the President.

Prayer was offered by Rev. Joseph Ward D. D., member of the Convention from Yankton county.

The Secretary read the Journal of the previous day, which was approved.

Mr. Laybourn asked and was granted leave of absence after to-day until Wednesday next.

Mr. Ward of Yankton asked and was granted leave of absence.

Mr. Neill offered the following resolution:

RESOLVED, That the Northern boundary line of the State east of the Missouri river be the 7th Standard parallel of north latitude.

Referred to the Committee on Name, Boundary and Seat of Government.

On motion of Mr. Owen the Convention went into Committee of the Whole for the consideration of the report of the Committee on Bill of Rights, with Mr. Booth in the chair.

Mr. Booth, chairman of the Committee of the Whole reported having had under consideration the report of the Bill of Rights, had made no progress, and asked leave to sit again.

The report of the Committee of the Whole was adopted.

Mr. Kanouse moved to take up the supplemental report of the Legislative Committee, the hour having arrived for which the same had been made the special order.

Carried.

Mr. Kanouse by consent corrected several errors made by the printer in the printed report,

Mr. Corson moved to strike out of lines 6 and 7, page 1 the words "or to select a capital site."

Motion lost.

The first recommendation was adopted.

Mr. Conniff moved to divide the second recommendation and adopt the first division.

Motion carried.

The first, second and third divisions of the second recommendation were adopted.

Mr. Williams moved to amend the first section on page 2 by inserting the words "except the general appropriation bill" after the word "appropriation" in line 1.

Motion lost.

Motion to adopt the first section on page 2 was lost.

Motion by Mr. Kanouse to strike out all of lines 7, 8, 9 and 10 after the word "people" in line 7.

Motion carried.

On motion of Mr. Ward of Hughes, the part of the report referring to minority representation was made the special order for to-morrow morning at 9 o'clock.

Mr. Kellam moved to amend the report by adding to Sec. 5, in line 16 on page 3 the words "laying out, opening, vacating or altering town plats, streets, roads, alleys and public lands."

Motion carried.

Mr. Campbell moved to insert lines 6 and 7, page 3, between lines 25 and 26 on same page.

Carried.

Mr. Campbell moved that lines 24 and 25 page 2 be inserted after line 16 page 3.

Carried.

Mr. Campbell moved to insert the word "fines," in line 21, page 3 after the word "penalties."

Carried.

Mr. Campbell moved that lines 39, 40 and 41 on page 2, be inserted in page 3 after line 25.

Carried.

Mr. McCallum moved that the part of the report, commencing with line 13 on page 2 and ending with line 7 on page 3 be substituted for the portion recommended by the committee being the last page beginning with line 9.

Mr. Moody moved to amend by striking out of line 39 and 40 all after the words "public offices," in line 39.

The amendment was adopted.

Mr. Neill moved to amend, by striking out line 35 on page 2.

The amendment was adopted.

Mr. Fowler moved to amend the substitute by striking out the word "or" after the word "ferries" in line 37 page 2, and inserting at the end of said line the words "or tollroads."

The amendment was adopted.

Mr. Kellam moved to amend the substitute by adding to line 25 page 2, the words "except as to existing towns, cities or villages where general laws would be inapplicable."

After debate Mr. Kanouse moved the previous question; which prevailed.

The amendment offered by Mr. Kellam was lost.

The motion to substitute the matter presented by Mr Campbell was lost.

The report as amended, was adopted.

Mr. Campbell moved to reconsider the last vote adopting the report.

Carried.

Mr. Campbell moved by consent of the Convention to strike out the words, "except municipal," in line 23 on page 3.

Carried.

The report as amended was adopted,

Mr. Fisher, chairman of the Committee on State Institutions and Public Buildings, presented the following report:

Your Committee on State Institutions and Public Buildings, Including Penitentiaries and other Reformatory Institutions, respectfully submit the following report:

REPORT OF COMMITTEE ON STATE INSTITUTIONS AND PUBLIC BUILDINGS, INCLUDING PENITENTIARIES AND OTHER REFORMATORY INSTITUTIONS.

Sec.—. The charitable and penal institutions of the State of Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind and reform schools.

SEC.—.The State institutions provided for in the preceding section shall be under the control of a state board of charities and corrections, under such rules and restrictions as the legislature shall provide; such board to consist of not to exceed five members, to be appointed by the Governor and confirmed by the senate.

SEC.—.The State university, the Agricultural college, the Normal schools and all other Educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of nine members, appointed by the Governor and confirmed by the senate. To be designated the regents of education. They shall hold their office for six years, three retiring every second year. Not more than two-thirds of the regents shall be of the political party dominant at the time of their appointment.

The regents in connection with the faculty of each institution shall fix the course of study in the same.

The compensation of the regents shall be fixed by the legislature.

SEC.—.The regents shall appoint a board of five members for each institution under their control to be designated the board of

trustees. They shall hold office for five years, one member retiring annually. The trustees of each institution shall appoint the faculty of the same, and shall provide for the current management of the institution, but all appointments and removals must have the approval of the regents to be valid. The trustees of the several institutions shall receive no compensation for their services but they shall be reimbursed for all expenses incurred in the discharge of their duties, upon presenting an itemized account of the same to the proper officer. Each board of trustees at its first meeting shall decide by lot, the order in which its members shall retire from office.

F. I. FISHER,
C. J. C. MACLEOD,
R. CRAWN WALTON,
JOSEPH WARD,
E. I. OAKS,
H. T. FELLOWS,
GEO. L. WRIGHT,
THEO. D. KANOUSE,
Committee.

Mr. Coffin moved to take up Section 28 of the report of the legislature committee.

Carried.

Mr. Coffin moved to amend said Section 28 by inserting after the word "member" in line 197 the following: "or shall appoint any person to office with the promise or understanding, directly or indirectly, that such person shall employ a relative or friend of such governor.

Motion lost.

Section 28 was adopted as reported.

The report of the Committee on Legislative and Administration as amended was adopted and referred to the Committee on Engrossment and Enrollment.

Mr. Weatherwax asked and was granted leave of absence for a few days.

On motion of Mr. Walton the convention adjourned.

AFTERNOON SESSION.

Convention called to order at 2 p. m. by the President.

Mr. More, chairman of the Committee on Education and School Lands presented the following report:

REPORT OF COMMITTEE ON EDUCATION AND SCHOOL LANDS.

MR. PRESIDENT:

Your Committee on Education and School Lands respectfully submit the following report:

SEC. 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 2. All proceeds of the sale of public lands that have heretofore been given or may hereafter be given by the United States, for the use of public schools in the State, all such per cent as may be granted by the United State on the sales of public lands, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift, and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the state. It shall be deemed a trust fund held by the State: The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

SEC. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws, and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State, and shall be for this purpose apportioned among and between all the several public school corporations of the State, in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose, or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the State.

SEC. 4. After one year from the assembling of the first legislature, the lands granted to the State by the United States for the use of public schools, may be sold upon the following condition and no other. Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds, within the first fifteen years after the title thereto is vested in the State, and the legislature shall, subject to the provisions of this article provide for the sale of the same.

The commissioner of School and Public lands, the State auditor, and the county superintendent of schools of the counties severally shall constitute boards of appraisal and shall appraise all school lands, within the several counties which they may from time to time select and designate for sale, at their actual cash value under the terms of sale. They shall take care to first select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value other than agricultural, and cause the proper subdivision of the same, in order that the largest price may be obtained therefor.

SEC. 5. No lands shall be sold for less than the appraised value, and in no case for less than ten dollars an acre, unless after the year A. D. Nineteen Hundred, two consecutive legislatures concur in a law otherwise directing. The purchaser shall pay one-fourth of the price in cash and the remaining three-fourths in not less than fifteen years with interest thereon at the rate of not less than seven per centum per annum payable annually, but all such subdivided lands may be sold for cash. All sales shall be at public auction to the highest bidder, after sixty days advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres and those so subdivided in the smallest subdivisions. All lands designated for sale not sold within four years after appraisal shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

SEC. 6. All sales shall be conducted through the office of the commissioner of schools and public lands, as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor, in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

SEC. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, Agricultural college, Normal schools, or other educational or charitable institution or purpose, and the proceeds of all such lands and other property, so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished

and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses therefrom that shall in any manner occur.

SEC. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner, and by the same officers and boards under the same limitations, and subject to all the conditions as to price, sale and approval, provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of said funds.

SEC. 9. No lands mentioned in this article shall be leased except at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance and no term of lease shall exceed fifteen years, nor shall any lease be valid until it receives the approval of the Governor.

SEC. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

SEC. 11. The legislature shall provide by law for the safe investment of the permanent school and other educational funds and for the prompt collection of the interest and income thereof. The permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within the State, in bonds of the State and of the United States. No loan shall be made without the approval of the Governor.

SEC. 12 The Governor may disapprove any sale, lease or investment.

SEC. 13. The legislature shall make such provision by general taxation, and by authorizing the school corporations to levy such additional taxes as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the State.

SEC. 14. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the State, or any county, or municipality within the State, nor shall the State or any county or municipality within the State accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.

JAMES H. MORE,
JOSEPH WARD,
STEPHEN G. UPDYKE,
JOHN A. OWEN,
KIRK G. PHILLIPS,
C. J. C. MACLEOD,
SAMUEL MILLER,
A. HAINES,
Committee.

Mr. More presented the following communication:

TO THE SOUTH DAKOTA CONSTITUTIONAL CONVENTION:

Gentlemen—At the annual meeting of the Sioux Valley Baptist Association held in Brookings June 28, 1885, representing nineteen churches and 700 members, the following resolution was adopted and ordered to be transmitted to your body.

Respectfully, E. T. CRESSEY, Moderator.
C. R. WESTCOTT, Clerk.

RESOLVED, That believing the entire prohibition of intoxicating drink to be essential to the highest good of the home, the church and the State, we offer prayer to Almighty God and petition to the Constitutional Convention meeting at Sioux Falls, that Dakota may be admitted to the Union free from the liquor traffic.

A true copy, E. T. CRESSEY, Moderator.

Referred to the Committee on Prohibition.

Mr. Owen moved to take up the report of the Committee on Prohibition made the special order for this day and hour.

The motion was carried and the report was read.

Mr. Owen moved to adopt the report and recommendations of the committee.

Mr. Moody moved to amend the motion so as to adopt only that part of the report which provides for submitting the prohibition question separate from the Constitution.

The ayes and nays being calledfor, the following members, voted "aye": Allen, Andrus, Ashton, Baker, Beebe, Berdahl, Blair, Booth, Britton, Brookings, Brown, Churchill, Coffin, Conniff, Corson, Craig, Cranmer, Crose, Dahl, Dow, Elfes, Fisher, Frank, Gault, Gehon, Gifford, Goddard of Minnehaha, Goddard of McCook, Gray, Gregory, Gunderson, Haines, Huntley, Jessup Jones, Kanouse, Kendall, Kellam, Laybourn, Lichtenwallner, Lowe, Lowthian, Mason, Maynard, McCallum, Macleod, Miller, Moody, More, Murphy, Neill, Oaks, Owen, Patten, Potter, Pendleton, Proudfoot, Reed, Schultz, Sheets, Smith, Stone, Tousley, Tychsen, Walton, Ward of Hughes, Ward of Yankton, Weatherwax, Westfall, White, Wilcox, Williams, Wright of Lake, Wright of Brookings, Mr. President.—75.

Those who voted nay were as follows: Alexander, Bellon, Buechler, Dollard, Fellows, Fowler, Grant, Phillips, Ryan, Weeden.—10.

Mr. Frank having voted "aye" changed his vote to "nay."

Mr. Grant having voted "nay" changed his vote to "aye."

The vote was declared carried by a vote of 75 ayes to 10 nays.

Movd by Mr. Corson to refer the balance of the report of the Prohibition Committee to the Committee on Schedule.

Carried.

Mr. Brookings moved to adjourn.

Motion lost.

On motion of Mr. Owen the Convention went into Committee of the Whole for consideration of the report of the Committee on Bill of Rights, with Mr. Cranmer in the chair.

Mr. Kellam was called to the chair and Mr. Cranmer, chairman of the Committee of the Whole, reported having considered the report of the Committee on Bill of Rights and reported the same back with the following amendments and recommendations:

Strike out the words, "any case before Justices of the Peace" in line 34, and insert in lieu thereof, "any court not a court o record."

Add after the word "witness" in line 40 the words "against him."

Add after the word "ascertained" in line 70, the words "and before possession taken."

Strike out the words, "in common with the owners of adjacent property," in lines 71 and 72, and insert after the word "improvement," in line 72, the words, "made by any private corporation."

Add the following sections:

SEC. —All political power is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right at all times to alter, reform or abolish their form of government in such manner as they may think proper.

Offered by Mr. Campbell.

SEC. —This enumeration of rights shall not be construed to impair or deny others retained by the people.—(Offered by Mr. Britton.)

Mr. Owen moved to adopt the report of the Committee of the Whole.

Mr. Edgerton asked for a division, that the report, except the section offered by Mr. Campbell, be adopted.

The division was made and the motion to adopt the report, excepting the added section, was adopted.

Mr. Macleod asked and was granted leave of absence until Tuesday.

Mr. Moody moved to adjourn.

The vote on the motion to adjourn standing 36 to 36, the chair decided the motion carried, and the convention adjourned.

TWELFTH DAY.

September 19, 1885.

The Convention met and was called to order by the President in the Chair.

Prayer was offered by Rev. Frederick Gardiner, rector of Calvary Episcopal church of Sioux Falls.

The Secretary read the Journal of the preceding day, which was approved.

Mr. Kellam was called to the Chair.

Mr. Edgerton moved that the Convention reject that part of the report of the Committee on Bill of Rights embracing the section proposed by Mr. Campbell, adopted by the Committee of the Whole.

Mr. McCallum moved that the same be referred to a committee of five to be appointed, of whom the President of the Convention should be chairman, with instructions to take action thereon and report their action to the Convention on some day of next week.

Mr. Campbell moved to amend the motion and refer the matter to the Judiciary Committee.

Mr. Coffin moved as a substitute that the matter be referred to a special committee of five impartial members, to be appointed by the Chair.

The substitute was adopted.

The supplemental report of the Legislative Committee, embracing the subject of minority representation, made the special order for this morning was taken up.

Mr. Ward, of Hughes, moved to adopt that part of the recommendations of the Legislative Committee commencing with line 10 with the following amendment thereto: Strike out of lines 13 and 14 the words: "In the year A. D. 1887" and insert before the word "general" the word "first," also insert after word "election" the words "held after this Constitution takes effect."

Mr. Conniff asked that the question be divided.

The question being divided the amendment was adopted.

The recommendation as amended was adopted.

Mr. Miller moved that that part of the report already adopted be referred to the Committee on Engrossment and Enrollment.

Carried.

Mr. Ward moved that those recommendations of the Legislative Committee in the supplemental report not already adopted be now adopted.

Mr. Neill moved to amend the report by striking out the words "the same" in line 4 and insert in place thereof the words, "a separate proposition."

Mr. Gehon offered the following as a substitute:

RESOLVED, That the Committee on Schedule shall provide for the submission of all independent propositions on the Illinois plan.

Mr. Corson moved to postpone further consideration of the question until Monday morning, September 21st.

Mr. Dollard moved to adjourn until Monday morning at 9 o'clock.

Mr. Alexander moved to adjourn.

By consent, Mr. Moody, chairman of the Judiciary Committee, presented the following report:

MR. PRESIDENT: The Judiciary Committee beg leave to report the following proposition and recommend its incorporation into the Constitution as a section of article—,relating to the Judicial department.

SECTION—The Governor shall have authority to require the opinions of the Judges of the Supreme Court upon important questions of the law involved in the exercise of his executive powers, and upon solemn occasions.

Respectfully submitted,

G. C. MOODY,
A. G. KELLAM,
ROBERT DOLLARD,
A. HAINES,
J. K. P. MCCALLUM,
D. CORSON,
W. W. BROOKINGS,
J. W. TAYLOR,
W. M. WRIGHT,
HUGH J. CAMPBELL,
JOHN A. OWEN,
Committee.

The President announced the following committee to consider the resolution offered by Mr. Campbell as an added section of the Bill of Rights: Coffin, Corson, Haines, Westfall and Dollard.

The following members were granted leave of absence: Walton, Gehon, Kendall, Grant and Blair.

The committee on Engrossment and Enrollment presented the reports of Executive and Administrative Committee and the Judiciary Committee, properly engrossed, and the same were referred to the Committee on Arrangement and Phraseology.

The motion to adjourn was carried.

AFTERNOON SESSION.

The Convention met and was called to order by the President.

Mr. Kanouse, claiming the floor upon the question before the Convention, being the resolution offered by Mr. Gehon that the Schedule Committee provide for the submission of all independent propositions on the Illinois plan, moved to adjourn.

By consent, Mr. Goddard of McCook moved that the Convention hall be tendered the Woman's Christian Temperance Union of Sioux Falls for use to-morrow afternoon for a temperance meeting.

Carried.

By consent the Committee on Impeachment and Removal from Office presented the following report:

REPORT OF THE COMMITTEE ON IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside.

SEC. 3. The Governor and other State and judicial officers, except county judges, justices of the peace and police magistrates shall be liable to impeachment for drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct, or malfeasance, or crime or misdemeanor in office, or for drunkenness or gross incompetency in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

A. HAINES,
C. J. MAYNARD,
R. A. PROUDFOOT,
H. M. SMITH,
D. CORSON,
D. WILCOX,
SAMUEL MILLER,
Committee.

The motion to adjourn was carried.

FOURTEENTH DAY.

September 21, 1885.

The Convention met and was called to order by the President in the chair.

Prayer was offered by Rev. Wm. Craig, pastor of the Presbyterian Church of Sioux Falls.

The Secretary read the Journal of the twelfth day, which was approved.

Under the head of unfinished business the substitute offered by Mr. Gehon providing that the Schedule Committee report a provision for submitting separate articles to the Constitution upon the Illinois plan, Mr. Campbell offered the following as a substitute for the resolution offered by Mr. Gehon:

RESOLVED, That it is the sense of this Convention that all articles and sections submitted by them separately for a separate vote be submitted in the following manner:

1. That all such articles be printed in a separate division of the Constitution headed as follows: "Articles to be separately submitted."

2. That the ballots to be used at the election be printed as follows: Those for votes in favor of the Constitution and other articles, etc., shall be as follows:

For the Constitution.

For section —— on the subject of —— to be a part of the Constitution.

For article —— the same.

For —— as the temporary seat of government.

The ballots for votes against the Constitution and other articles to be printed with the word "against" in place of the word "for."

All matters voted for, including seat of government, Constitution and separate articles to be on one ballot.

3. A majority of all the votes cast for and against any separate proposition, shall elect or reject, except seat of government, which shall require plurality.

Adopted.

Mr. Coffin, chairman of the special committee appointed to consider the resolution offered by Mr. Campbell as a section of the Bill of Rights, presented the following report:

Your committee, to whom was referred the resolution of Judge Campbell proposing an additional section to the Bill of Rights, respectfully make the following report:

We recommend the following as an amendment to said proposed section and an enlargement to section 26 of the Bill of Rights as reported:

SEC. 26. All political power is inherent in the people, and all free government is founded on their authority, and it is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the State of Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

All of which is respectfully submitted.

FRED F. B. COFFIN,
D. CORSON,
A. HAINES,
ROBERT DOLLARD,
I. M. WESTFALL,
Committee.

On motion of Mr Ward of Hughes, the report was adopted.

Mr. Gunderson offered the following as a proposed article of the Constitution:

ARTICLE ——.

SECTION 1. The State shall have concurrent jurisdiction on all rivers and lakes bordering on this State, so far as such river or lake shall form a common boundary to the State, and any other State or Territory now or hereafter to be formed or bounded by the same. The River Missouri and any navigable waters leading into the same shall be common highways and forever free as well to the inhabitants of the State as to citizens of the United States without any tax, impost or duty therefor.

SEC. 2. The title to all lands and property which have accrued to the Territory of Dakota south of the 46th parallel by gift, grant, purchase, forfeiture, escheat or otherwise, shall vest in the State of Dakota.

SEC. 3. The people of the State in their right of sovereignty are declared to possess the ultimate property in and to all lands within the jurisdiction of the State, and all lands the title to which shall fail from defect of heirs shall revert or escheat to the people.

Referred to the Judiciary Committee.

Mr. Baker offered the following resolution:

RESOLVED, That all church property held and used for religious worship or as a parsonage shall not be taxed, except such property as shall exceed the value of $10,000 according to its assessed valuation.

Referred to the Committee on Revenue and Finance.

Mr. Conniff offered the following as a proposed section for the constitution:

SECTION —. No extraordinary appropriation of money exceeding in the aggregate the sum of $20,000 in any one year, shall become operative until the same shall have been submitted to and approved by the people at the polls.

Referred to the Legislative Committee.

On motion of Mr. Moody, the supplemental report of the Judiciary Committee submitting the provision giving the Governor authority to require the opinions of supreme judges on certain occasions, was taken up and adopted, and referred to the Committee on Arrangement and Phraseology.

On motion of Mr. Westfall, the Convention went into Committee of the Whole for consideration of the report of the Committee on Education and Right of Suffrage, with Mr. Smith in the chair.

Mr. Smith, Chairman of the Committee of the Whole, reported progress in consideration of the report of the Committee on Elections and Right of Suffrage, and asked leave to sit again.

On motion, the report was adopted and the leave asked was granted.

On motion of Mr. Dow, the Convention adjourned.

AFTERNOON SESSION.

The Convention met and was called to order by the President in the chair.

On motion of Mr. Britton, the Convention went into Committee of the Whole for consideration of the report of the Committee on Elections and Right of Suffrage with Mr. Corson in the chair.

Mr. Corson, chairman of the Committee of the Whole, reported having considered the report of the Committee on Elections and Right of Suffrage, and reported the same back to the Convention and recommend its adoption with the following amendments:

Add to section 3 the words, "but the Legislature may provide for numbering ballots for the purpose of preventing and detecting fraud."

Insert the following as a new section, after section 3, "all general elections shall be biennial."

Strike out the words "relating to schools" in line 16, section 8.

Mr. Haines moved that the Convention do not concur in the recommendation of the Committee of the Whole as to the adoption of section 2 of the report of the Committee on Elections and Right of Suffrage.

Mr. McCallum moved as a substitute that the Convention do not concur in the recommendation as to section 9.

The substitute was lost.

Mr. Kellam moved that the Convention do not concur in the recommendation as to section 2 of said report.

Carried.

Mr. Owen moved to amend the recommendation as to section 8 by adding thereto the words, "except as otherwise provided in this Constitution."

Carried.

The report of the Committee of the Whole as amended was adopted.

Mr. Jessup moved that the report be referred back to the Committee on Elections and Right of Suffrage for correction.

Mr. Campbell moved as a substitute that section 9 be referred to the Committee on Schedule with instructions to prepare and report a section for the separate submission of the same, and also that in case the same is adopted by the vote of the people, then section 9 shall take the place of section 1, and section 1 shall be null and void.

The motion was carried and the report referred to the Committee on Schedule.

On motion of Mr. Brookings the report of the Committee on Name, Boundaries and Seat of Government was taken up for consideration by the Convention.

Section 1 was adopted.

Mr. Mason moved to amend section 2 by inserting in line 7 after the word "with," the words, "the seventh standard parallel, thence west along the seventh standard parallel to its intersection with the main channel of the Missouri river, thence up the main channel of the Missouri river to its intersection with."

Carried.

Section 3 was adopted.

Mr. Fisher moved to amend section 4 by inserting after the word "State" in line 2, page 2, the words, "at the first general election thereafter."

Carried.

Mr. Fisher offered the following amendment to the report:

SEC. 5. Should no place voted for at said election have a majority of all votes cast upon this question the Governor shall issue his proclamation for an election to be held in the same manner, at the next general election, between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of Government, and the place receiving the majority of all the votes cast upon this question shall be the permanent seat of government.

The amended section was adopted.

Mr. Conniff moved that section 3 be amended by adding thereto the following: "provided that in the event of two or more places receiving the highest equal number of votes, then in that event the location of the temporary seat of government shall be determined by lot between them by the chairman of the State Executive Committee.

Amendment lost.

The report as amended and adopted was referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Corporations other than Banking or Municipal, was taken up and considered by the Convention. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, were adopted.

Mr. Owen moved to amend section 16 by inserting in line 112 after the word "corporation" the words "by lease or otherwise."

Adopted.

Section 16 as amended was adopted.

Sections 17 and 18 were adopted.

Mr. Miller moved to amend section 19 by striking out the word "unjust" in line 130.

Carried.

Section 19 as amended was adopted.

Section 20 was adopted.

On motion of Mr. Owen the report as amended was adopted and referred to the Committee on Engrossment and Enrollment.

Mr. Owen offered the following as a proposed article for the Constitution:

ARTICLE THREE.

The powers of the government are divided into three distinct departments, the Legislative, Executive and Judicial. No person or collection of persons being or belonging to one of these departments shall exercise any power properly belonging to either of the others except as in this Constitution expressly directed or permitted.

Referred to the Committee on Miscellaneous Subjects.

Mr. Corson moved that when the Convention adjourn it be until 7:30 o'clock this evening.

Carried.

Mr. Britton moved to adjourn.

Motion lost.

The report of the Committee on Public Accounts and Expenditures was taken up and considered by the Convention.

Section 1 was adopted.

Mr. Wright of Brookings moved to amend section 2 by striking out the words, "two thirds" and inserting the word, "majority."

The motion was lost.

Sections 2, 3 and 4 were adopted.

Mr. Ward of Hughes moved to reconsider the vote adopting section 2.

The motion to reconsider was lost.

The report was adopted and referred to the Committee on Arrangement and Phraseology.

On motion the Convention adjourned.

EVENING SESSION.

The report of the Committee on County and Township Organization was taken up and considered by the Convention.

Mr. Corson moved to amend section 1 by striking out the word "sixteen" in line 4 and insert in lieu thereof the words "twenty-four."

The amendment was adopted.

Section 1 as amended was adopted.

Section 2 was adopted.

Mr. Alexander moved to amend section 3 by striking out lines 29, 30 and 31.

The motion was lost.

Mr. Alexander moved to amend section 3 by striking out in line 31 the word "six" and inserting in lieu thereof, the word "two."

The motion was lost.

Mr. Maynard moved to amend section 3 by striking out the word "six" and inserting in lieu thereof the word "four."

The motion was lost.

Sections 3 and 4 were adopted.

Mr. Brookings moved to amend section 5 by striking out in line 11 the words "four years in" and inserting in lieu thereof the words "two consecutive terms to."

The amendment was adopted.

Mr. Owen moved to strike out section 5.

The motion to strike out was carried.

Mr. Moody moved to reconsider the vote to strike out section 5.

The motion to reconsider was carried.

Mr. Moody offered the following as a substitute for section 5:

SEC. 5. In each county at the first general election held after the admission of the State of Dakota into the Union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, surveyor, coroner and superintendent of schools, whose terms of office respectively shall be two years, and, except the clerk of the court, no person shall be eligible for more than four years in succession to any of the above-named offices.

The substitute was adopted.

Mr. Gunderson moved to amend section 6 by inserting after the word "provide" in line 13, the words "for the election."

The amendment was lost.

Mr. Schultz moved to amend section 6 by adding thereto the following words: "And provide the same with proper copies of law necessary for fulfilling their offices."

The amendment was lost.

Mr. Moody moved to amend section 6 by inserting after the word "township" in line 14, also in line 16, the words "and district."

The amendment was adopted.

Section 6 as amended was adopted.

Mr. Moody moved to amend section 7 by inserting the words "and district" after the word "township" in lines 17 and 18.

The amendment was adopted.

Mr. Fowler moved to amend section 7 by striking out the words "be elected."

The amendment was adopted.

Mr. Neill moved to reconsider the last vote.

The motion to reconsider was carried.

Mr. Fowler withdrew the amendment offered by himself, and section 7 as reported was adopted.

Mr. Gault moved to reconsider the vote whereby section 3 was adopted.

The motion to reconsider was carried.

Mr. Stone moved to reconsider the vote whereby the motion to amend section 3 by striking out the word "six" and inserting the word "two" was lost.

The motion to reconsider was carried.

Mr. Britton moved to amend the amendment by striking out the word "two" and inserting the word "four."

The amendment offered by Mr. Britton was adopted.

Mr. Dollard moved to strike out section 3.

The motion to strike out was lost.

Mr. Moody moved to amend section 7 by adding thereto the following: "Provided that nothing in this section shall prevent the holding of school offices by any person as provided in section — article —."

Mr. Owen moved to amend the amendment by striking out the word "school."

The amendment to the amendment was adopted.

Mr. Crose moved to reconsider the last vote.

The motion to reconsider was carried.

The amendment to the amendment was then lost.

The amendment offered by Mr. Moody was adopted.

Section 7 as amended was adopted.

The report of the Committee on County and Township Organization as amended was adopted and referred to the Committee on Engrossment and Enrollment.

On motion the Convention adjourned.

FIFTEENTH DAY.

September 22, 1885.

The Convention met and was called to order by the President in the Chair.

Prayer was offered by Rev. A. Jamieson, pastor of the M. E. church of Sioux Falls.

The Secretary read the Journal of the preceding day, which was approved.

Mr. Cranmer asked and was granted leave of absence for a few days.

Mr. Moody presented a communication from J. A. Pickler, in behalf of the W. C. T. U. in convention at Chamberlain, asking that the subject of female suffrage be omitted from the Constitution and from submission to a separate vote at the same election at which the Constitution is submitted.

Mr. Kellam presented a communication from the W. C. T. U. of Sioux Falls extending thanks for the use of the hall on Sunday and for assistance in making the meeting a success.

Mr. Campbell, chairman of the Committee on Schedule, presented the following report:

REPORT OF THE COMMITTEE ON SCHEDULE AND ORDINANCE.

HALL OF CONSTITUTIONAL CONVENTION, SIOUX FALLS, September 17, 1885.—To the President and Delegates of the Constitutional Convention:

MR. PRESIDENT:

Your committee to whom were referred the subject of the Schedule submit the following Schedule and Ordinance, and recommend that the same be adopted and ordained by the Convention.

HUGH J. CAMPBELL,
A. G. KELLAM,
FRED F. B. COFFIN,
ROBERT DOLLARD,
HENRY NEILL,
S. F. HUNTLEY,
JOHN H. PATTEN,
JAS. A. WARD,
THEO. D. KANOUSE,
T. N. CONNIFF,
Committee.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Dakota, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Dakota, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the Territory of Dakota, shall accrue to the use of the State.

SEC. 4. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid and shall pass over to and may be prosecuted in the name of the State; and all bonds, obligations, or other undertakings executed by this Territory, or to any officer in his official capacity, shall pass over to the proper State authority, and to their successors in office for the uses therein respectively expressed and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superseded by this Constitution.

SEC. 6. The first meeting of the Legislature shall be held at such time and place as shall be selected under the provisions of this Constitution and Ordinance and Schedule.

SEC. 7. The Legislature elected under the provisions of this Ordinance, shall assemble at the place fixed by this Schedule and Ordinance on the second Monday in December, in the year of our Lord one thousand eight hundred and eighty-five; and on the first day of their assemblage the Governor and other State officers shall take the oath of office in the presence of the Legislature. The oath of office shall be administered to the senators and representatives of the legislature, and to the State officers by the Chief Justice of the Territory, or by the President of the State Executive Committee, or by any officer duly authorized by the laws of the Territory to administer oaths.

SEC. 8. Immediately after the organization of the legislature and the qualification under oath of the State officers, both houses of the legislature shall meet in joint session in the chamber of the house of representatives, and shall then and there proceed to elect two senators of the United States, for the State of Dakota. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives, shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and the house shall issue a certificate to each of said senators certifying to his election, which certificates shall also be signed by the Governor, and attested by the Secretary of State.

SEC. 9. This Constitution shall be submitted for adoption or rejection, to a vote of the electors, qualified by this Constitution to vote at all elections, at the election to be held on the Tuesday next after the first Monday in November, A. D. 1885. At the said election the ballots shall be in the following form:

For the Constitution. ——

Against the Constitution. ——

For the article on the subject of prohibition to be article — of the Constitution. ——

Against the article on the subject of prohibition, as an article of the Constitution. ——

For the section on the subject of woman suffrage, to be section 1 of article — of the Constitution. ——

Against the section on the subject of woman suffrage as a section of the Constitution. ——

For the section on the subject of minority representation, to be section — of article of the Constitution. ——

Against the section on the subject of minority representation as an article of the Constitution. ——

And as a heading to each of said ballots shall be printed on each ballot the following instruction to voters:

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, must erase with pencil or ink the words on the ballot, "Against the Constitution," or "Against such article or section."

And all persons who desire to vote against the Constitution, or against any article separately submitted, must erase with pencil or ink the words "For the Constitution," or the words "For such article or section."

In addition to the foregoing election for the Constitution, and for the articles submitted by this Convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following State officers, to be voted for on the same ballot as is above provided for votes on the Constitution and separate articles, to wit: A Governor, a Lieutenant Governor, and all other State and judicial officers which are provided for in this Constituion.

At the same time and places of election, there shall be held an election, by the said qualified electors, within their respective districts for representatives and senators of the State legislature, and for two representatives in congress.

All the aforesaid elections above provided for, shall be held in the same manner and form as is provided for the election for the adoption or rejection of the Constitution. And the names of all such officers above specified, to be voted for at such election, shall be written or printed upon the same ballots as the vote for or against the Constitution.

The judges of election in counting the ballots voted at said election shall count all the ballots upon which the words, "against the Constitution," are erased with pencil or ink, and the words "for the Constitution" are so not erased, as votes for the Constitution.

And they shall count all the ballots voted at said election, upon which the words "for the Constitution" are erased with pencil or line, and the words "against the Constitution" are not so erased as votes against the Constitution.

And they shall count all the ballots voted at said election upon which neither of said words are erased, as votes for the Constitution.

And they shall count all ballots so voted upon which the words "against any article separately submitted" are erased with pencil or ink, or upon which neither the words "for such article" or "against such article" are erased, as votes for such articles.

And they shall count all ballots so voted upon which the words "For such article" are erased with pencil or ink, as votes against such article.

If it shall appear, in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election are for the Constitution, then this Constitution shall be the Constitution of the State of Dakota. If it shall appear, according to

the returns hereinafter provided for, that a majority of all the votes cast at said election for and against the article on the subject of "Prohibition," to be article — of the Constitution, are for said article, then said article shall be and form a part of this Constitution, and be in free force and effect as such from the date of said election.

But if a majority of said votes shall appear, according to said returns to be against said article, then said article shall be null and void and shall not be a part of this Constitution.

If it shall appear according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against the section on the subject of "Woman Suffrage," to be section 1 of article III, entitled, Elections and Right of Suffrage of the Constitution, are for said section, then said section shall be and form a part of said Constitution, and be in full force and effect as such, from the date of said election, and section 1 of article III (3), entitled "Elections and Right of Suffrage," shall be null and void; but if a majority of said votes shall appear, according to said returns, to be against said section, then said section shall be null and void and shall not be a part of the Constitution, and said section 1, of said article III, shall be and remain in full force as part of this Constitution.

And if it shall appear according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against the section on the subject of "Minority Representation," to be section twenty-nine (29), of article —, entitled, "Legislative Department," are for said section, then said section shall be and form a part of said Constitution, and be in full force and effect as such from the date of said election, and all sections and parts of sections of said article —, which conflict with said section, shall be thereby repealed, and be null and void.

But if a majority of said votes shall appear according to said returns to be against said section, then said section shall be null and void and shall not be a part of the Constitution. At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election shall be declared elected to said office.

SEC. 10. At the same time and places of election there shall be held by said qualified electors an election for the place of meeting of the first legislature and for the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for, or against, as hereinbefore provided, shall be written or printed the words "For Temporary Seat of Government."

(Here insert the name of the city, town or place to be voted for.)

And upon the canvass and return of the votes made, as hereinafter provided for, the name of the city, town or place which shall have received the largest number of votes for said temporary seat of government, shall be declared by the State Executive Committee, together with the whole number of votes cast for each city, town or place. And the State Executive Committee shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the legislature elected at said election to assemble at said city, town or place so elected, on the day fixed by this Ordinance and Schedule.

SEC. 11. There shall be elected by this Convention as soon as possible after the adoption of this Schedule and Ordinance a State Executive Committee, consisting of seven members, and the persons thus elected are_____

_____

_____

one of whom, to-wit: _____

who is elected by this Convention as such, shall be the President of the State Executive Committee. Said State Executive Committee shall exercise the powers and perform the duties hereinafter conferred upon it and shall continue in office until the assembling and organization of the State legislature. The State Executive Committee herein provided for shall meet and organize in the city of Sioux Falls immediately and before this Convention shall adjourn, by the election of a Secretary and such other officers, excepting President, as may be necessary.

SEC. 12. Said State Executive Committee, shall have full power to do and perform all things necessary to the carrying into effect of the provisions of this Ordinance and Schedule with regard to elections, and to this end they shall have full power to make all necessary rules and regulations for such proposal; they shall make and issue instructions and regulations with regard to the details not herein provided for, or not provided for by law, as to the elections held in pursuance of this Ordinance and Schedule. They shall have power to fill all vacancies in their own number and they may in case of necessity call an adjourned meeting of this Convention; they shall fix their own times and places of meeting, and three members shall constitute a quorum, with power to transact business. Any member may in writing, delegate his power to act on the committee to another member thereof.

SEC. 13. Should this Constitution be adopted and ratified by the votes of the people at the election ordered by this Ordinance the State Executive Committee shall be vested with full power and authority to do and perform all things necessary to carry out the objects of this Constitution, to set in motion the State government by it established, and to take care that the State government so established shall receive no detriment, and that the will of the people be carried into effect. And among other things said committee, immediately after the results of said election shall have been ascertained, shall issue a proclamation directing the legislature elected at said election to assemble at the time and place fixed by this Ordinance and Schedule.

They shall make all necessary arrangements for rooms for the legislature, and for the inauguration of the State government.

SEC. 14. Said committee shall have power to provide the necessary funds to defray all necessary expenses connected with the performance of their duties, and to issue certificates therefor. But an itemized account of all such expenses, sworn to by the President and Secretary of the Committee, shall be presented by them to the legislature at its first meeting, and the legislature shall provide for the payment of so much therof as they shall find to have been properly and necessarily expended in the due performance of their duties.

SEC. 15. The elections provided for herein shall be conducted in all respects as elections are under the general laws of the Territory. The President of the State Executive Committee is hereby authorized, empowered and required to issue notices of the election herein provided for at lesst ten days prior thereto, by publication in the newspapers in each county, stating the object of such electon, and the officers to be chosen at the same, and shall otherwise conform, as near as may be, to the notices of election provided by law for general election. Said notices shall also be posted by the several sheriffs and by the county boards of their respective counties, in the manner required by law. The election precincts and polling places shall be the same as now provided by law for the annual election. The judges and clerks of election for said election shall be appointed in the manner now prescribed by law. But in case for any reason the said judges and clerks of election are not appointed as above provided, or in case of the refusal, neglect or inability to act of said judges or clerks of election in the election herein provided for, the qualified electors present at the polls may elect said judges and clerks of election. No mere technicality or informality in the manner or form of the election, or neglect of any officer to

perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the State of Dakota as expressed by their votes at the polls.

SEC. 16. The President of the State Executive Committee shall appoint in each county a county board, consisting of three members, which county board shall have and exercise the powers and duties prescribed by this Schedule and Ordinance.

SEC. 17. The judges and clerks of election herein provided for, shall have authority to do and perform all things with regard to said elections that are now required by law of such judges and clerks of election at general elections, and the canvass and return of the votes shall be in the manner and form now required by law in the case of general elections, or as provided herein.

SEC. 18. Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the ballots duly cast at such election, and shall certify and return the result of the same with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the Constitution, and the number of votes cast for and against the article on the subject of prohibition, to be article — of the Constitution.

And the number of votes cast for and against the section on the subject of Woman Suffrage to be section 1 of article — of the Constitution, entitled, Elections and Right of Suffrage.

And the number of votes cast for and against the section on the subject of "Minority Representation, to be section twenty-nine (29), of article —, entitled, Legislative Department.

And the number of votes cast for each city, town or place, as the "Temporary seat of government," to the board of county canvassers of elections provided for by law of their respective counties, and to the county boards provided by this Schedule and Ordinance, all the ballots, poll-lists and election books used in said election.

SEC. 19. Within ten days after such election, the several boards of county canvassers provided by law for the canvassing of the results of elections, and the several county boards provided for by this Schedule and Ordinance, of their several counties, shall separately make and certify under oath, to the President of the State Executive Committee a true and honest return of the total number of votes cast in their respective counties, of the number of votes cast for the Constitution, and against the Constitution, of the number of votes cast for and against the article on the subject of "Prohibition," to be article — of the Constitution.

And the number of votes cast for and against the section on the subject of "Woman Suffrage," to be section 1 of article — of the Constitution, entitled "Elections and Right of Suffrage."

And the number of votes cast for and against the section on the subject of "Minority representation," to be section twenty-nine (29) of article — entitled "Legislative Department" of the Constitution.

And the number of votes cast for each city, town or place as the "Temporary seat of government," and of the number of votes cast for each person voted for at such election, and shall transmit the same to the President of the State Executive Committee by mail, and shall file for record a duplicate and certified copy of said return with the county clerk of said county.

SEC. 20. The President of the State Executive Committee shall receive all returns of the election transmitted to him as above provided, and shall preserve the same. Within twenty days after said election the President of said State Executive Committee, together with such members of said committee as may assemble with him, and with the Secretary of the Territory, the Chief Justice of the Territory, if they will so act, and with such other officers of the Territory as he may associate with him, who shall consent to act, shall canvass and compile the certificates and returns of such elections, and shall ascertain by a count of the same, the total number of votes cast at such election, the total number of votes cast for the Constitution and against the Constitution;

The total number of votes cast for and against the article on the subject of "Prohibition," to be article — of the Constitution.

And the number of votes cast for and against the section on the subject of "Woman's Suffrage" to be section 1 of article —, entitled "Elections and Right of Suffrage" of the Constitution.

And the number of votes cast for and against the section on the subject of "Minority Representation," to be section twenty-nine (29) of article —, entitled" Legislative Department" of the Constitution.

And the number of votes cast for each city, town or place as the "Temporary seat of government."

And the total number of votes cast for each person voted for, for any office at the said election, and shall declare the result of said election, in conformity with such vote, and shall make proclamation thereof in the newspapers of the Territory. They shall also make and certify a list of votes so cast for senators and representatives to the legislature, and a list of the names of the senate and representatives who shall thus be ascertained to be duly elected, and also a list of the names of all officers who shall thus be ascertained to be duly elected. They shall also make and transmit to the State Legislature upon the first day of its assemblage, a true return of said election, and of the names of all officers and all representatives and senators of the legislature so elected, and of the number of votes cast for each. Said list of senators and representatives shall constitute the roll with which the senate and the house of representatves shall be organized. They shall also make and transmit to the State legislature, immediately upon its organization, a list of all the State officers who shall thus be ascertained to have been duly elected, with a return of the number of votes cast for and against each. And it shall thereupon be the duty of the legislature in joint session to canvass and compile said return for all the said officers, and to declare the result of said election as to said State officers.

SEC. 21. The president of the State Executive Committee shall issue certificates of election to all persons who shall be ascertained, as above provided, to have been duly elected to any office at such election, the person receiving the highest number of votes at such election for each office herein named shall be declared elected to said office.

SEC. 22. Any vacancy in the office of the State Executive Committee shall be filled by the State Executive Committee, or a quorum thereof, as soon as may be after said vacancy, at a meeting to be held at the place designated as the official quarters of the said committee.

SEC. 23. The apportionment made in this Constitution shall govern the elections above provided for, for members of the State legislature, at the first election held under this Ordinance for senators and representatives of the legislature, there shall be elected —— senators and —— representatives, and these shall be the members of the senate and house of representatives of the State legislature respectively.

SEC. 24. The first legislature assembled, after the adoption of this Constitution, shall have power to continue in session a longer time than sixty days, or to adjourn from time to time, and reassemble at the call of such officers as they may prescribe, until the State shall be admitted into the Union, or their term of office shall expire.

SEC. 25. The Ordinance and Schedule enacted by this Convention shall be held to be valid for all the purposes thereof.

SEC. 26. The Governor, Representatives to Congress, and Senators of the United States, whose election is provided for in this Schedule and Ordinance, shall, together with the two other persons to be selected by the State Executive Committee, constitute

a committee whose duty it shall be, in case of the ratification of this Constitution by the people, to present this Constitution to the President and Congress of the United States, and request admission of the State thereunder into the Union of States. And they shall have power to do and perform all things necessary and proper, to carry into effect the purposes for which they are thus appointed.

SEC. 27. The first legislature elected under this Constitution shall, at an early day, take steps to obtain an equitable and proper division of the Territorial funds, and of the Territorial indebtedness existing at the time of the adoption of the Constitution, between the State of Dakota and that portion of the Territory of Dakota not included within the boundaries of the State, such division to take into account the value and cost of the various public institutions located in the two sections respectively, and consent is hereby given that Congress may make such provision for the payment by this State of the existing indebtedness of the Territory of Dakota, as it shall deem just and equitable, and this State shall assume and pay so much thereof as Congress may provide.

SEC. 28. That the following article shall be irrevocable without the consent of the United States and of the people of this State: Frst, that perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands of the United States lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without this State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

SEC. 29. All the existing archives, records and books belonging to the Territory of Dakota shall belong to and be a part of the public records of the State of Dakota, and be deposited at the seat of government of the said State with the Secretary of State.

SEC. 30. This Constitution shall be engrossed and deposited in the office of the Secretary of State, and printed copies thereof shall be prefixed to the books containing the laws of the State, and all future editions thereof.

SEC. 31. The following form of a ballot is adopted:

FORM OF BALLOT.

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, must erase with pencil or ink the words on the ballot, "Against the Constitution," or "Against such article or section."

And all persons who desire to vote against the Constitution, or against any article separately submitted, must erase with pencil or ink the words "For the Constitution," or the words "For such article or section."

For the Constitution. ——

Against the Constitution. ——

For the article on the subject of prohibition to be article — of the Constitution. ——

Against the article on the subject of prohibition, as an article of the Constitution. ——

For the section on the subject of woman suffrage, to be section 1 of article — of the Constitution. ——

Against the section on the subject of woman suffrage as a section of the Constitution. ——

INSTRUCTIONS TO VOTERS.

For ——, as the "temporary seat of government."

For Governor, ——.
For Lieutenant Governor, ——.
For Secretary of State, ——.
For Auditor, ——.
For Treasurer, ——.
For Attorney General, ——
For Superintendent of Public Instruction, ——.
For Judge of the Supreme Court, —— for —— District.
For Judge of the Circuit Court —— for —— Circuit.
For Judge of the County Court ——.
For Representatives in Congress, ——. ——.
For State Senator, ——.
For Representatives in the Legislature, ——
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——

Mr. Campbell, chairman of the Committee on Schedule, to whom was referred the article on Woman Suffrage, presented the following report:

Your Committee on Schedule to whom was referred the article on Woman Suffrage, respectfully report the following as the form in which the proposition shall be submitted to vote of the people:

SEC. — Every person residing in this State who shall be of the age of twenty-one years and over, not legally qualified, who shall have resided in the United States one year, in this State six months, in this county thirty days, and in the election precinct where he or she offers to vote ten days next preceding any election, or who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, andwho shall be a citizen of the United States or who shall have declared his or her intention to become such conformably to the naturalization laws of the United States, shall be a qualifiedelector at all elections in this State.

Mr. Owen offered the following as proposed sections for the Constitution:

SECTION 1. No alien non-resident shall acquire right or title to more than six hundred and forty acres of land in this State.

SEC. 2. The legislature may provide for the submission of any proposition consistent with the Constitution to a vote of the people of the State and that it shall take effect when approved by a majority of the votes polled at such election.

SEC. 3. No railroad or transportation company shall grant any free pass or any other special favor to any person holding any office of honor, trust or profit in this State; the acceptance of any such pass or special favor shall work a forfeiture of office. The legislature may provide further suitable penalties for violation of the provisions of this section.

Referred to the Committee on Miscellaneous Subjects.

On motion of Mr. Brookings the Convention took up the report of the Committee on Revenue and Finance and considered the same.

Mr. Brookings moved to amend Section 1 by striking out in lines 3 and 4 and also in line 18 the words, "one-half of one per centum," and inserting in lieu thereof the words, "two mills on each dollar."

The amendment was adopted.

Section 1 as amended was adopted.

Mr. Fowler moved to amend Section 2 by striking out of line 27 the word "corporation," and also to strike out all of said Section 2 after the word "property" in line 27.

Mr. Owen moved that Section 2 be referred back to the Committee on Revenue and Finance.

Carried by a rising vote of 45 to 9 against.

Sections 3 and 4 were adopted.

Mr. Owen moved to strike out Section 5.

Carried by a vote of 46 to 33.

Mr. Moody moved to amend Section 6 by inserting in line 13 before the word "State," the words "United States."

The amendment was adopted.

Section 6 as amended was adopted.

Mr. McCallum offered the following substitute for Section 7:

The legislature shall by general law exempt from taxation property used exclusively for agricultural and horticultural societies, for schools, cemeteries and charitable purposes, and personal property to any amount not exceeding two hundred dollars for each individual liable to taxation, provided that all property real and personal held for religious purposes shall be exempt from taxation when the real value thereof shall not exceed ten thousand dollars.

Mr. Frank moved to amend the substitute by striking out the word "shall" and inserting in place thereof the word "may."

The amendment was lost.

Mr. Proudfoot moved to amend the substitute by striking out the words "ten thousand" and inserting in lieu thereofthe words "five thousand."

Mr. Conniff moved to lay the last amendment on the table.

The motion to lay on the table was carried.

Mr. Corson moved to lay the substitute on the table.

The motion to lay on the table was carried.

Mr. Owen moved to amend Section 7 by adding thereto the following: "Provided that the property of no corporation, association or person except that used exclusively for purpose of education shall be exempt to an amount exceeding $10,000."

The amendment was lost.

Mr. Kellam moved to amend Section 7 by striking out the word "for" in line 17.

The amendment was adopted.

Mr. Gehon moved to amend Section 7 by striking out the word "two" in line 19 and insert in place thereof the word "three."

The amendment was lost.

Section 7 as amended was adopted.

Mr. Conniff moved to amend Section 8 by striking out the word "shall" in line 21 and insert in place thereof the word "may."

The amendment was carried by a vote of 35 yeas to 32 nays.

Mr. Fowler moved to strike out Section 8.

The motion to strike out was lost.

Sections 8, 9 and 10 were approved.

Mr. Moody moved to amend Section 11 by adding thereto the following: "No indebtedness shall be incurred or money expended by the State and no warrants shall be drawn upon the State Treasurer except in pursuance of an appropriation for a specific purpose first made. The legislature shall provide by suitable enactments for carrying this section into effect."

The amendment was adopted.

Section 11 as amended was adopted.

Mr. Owen moved to amend Section 12 by inserting the words "special assessment and," after the word "by" in line 35.

The amendment was lost by a vote of 21 yeas to 32 nays.

Mr. Moody moved to amend Section 8 by striking out the word "thousand" in line 24 and inserting in lieu thereof the word "hundred."

A motion to adjourn was lost.

Mr. Goddard of McCook moved to strike out Section 8.

After discussion Mr. More moved the previous question, which prevailed.

On the motion to strike out Section 8 the "ayes" and "nays" being called for, the following members voted "aye:" Alexander, Ashton, Berdahl, Booth, Brookings, Brown, Coffin, Corson, Crose, Elfes, Fellows, Fowler, Frank, Gifford, Goddard of Minnehaha, Goddard of McCook, Gray, Gregory, Gunderson, Haines, Kanouse, Kellam, Lowe, Lowthian, Moody, More, Murphy, Neill, Owen, Patten, Phillips, Pendleton, Proudfoot, Reed, Sheets, Snow, Tousley, Tychsen, Updyke, Wards of Hughes, Weatherwax, Westfall, White, Wilcox, Williams, Wright of Lake, Wright of Brookings, Mr. President—48.

Those who voted "nay" were as follows: Allen, Andrus, Baker, Beebe, Bellon, Britton, Buechler, Campbell, Conniff, Craig, Fisher, Gault, Gehon, Grant, Huntley, Jessup, Kendall, Mason, Maynard, McCallum, Myers, Miller, Oaks, Potter, Schultz, Smith, Stone, Ward of Yankton—28.

Mr. Reed explained his vote, having supported the negative side on the floor, but had been convinced to the contrary by debate.

The motion to strike out Section 8 was declared carried.

Messrs. Fowler and Phillips asked to be excused from further attendance upon the Convention, which request was granted.

On motion the Convention adjourned.

AFTERNOON SESSION.

The Convention met and was called to order by the President.

Mr. Kanouse offered the following resolution:

RESOLVED, That the chairman of the Committee on Judiciary be requested to frame a resolution answering the following questions, and submit the same for the consideration of the Convention, viz: Shall per diem be allowed members of this Convention for the Sundays occurring between the opening and final adjournment?

Shall Sunday per diem be allowed to officers and employes?

Shall per diem be allowed to members for days they have been absent, having first been excused from attendance?

The resolution was adopted.

Mr. Moody, chairman of the Judiciary Committee offered the following resolution:

RESOLVED, That the Auditor of the Territory be requested to audit the accounts of members for attendance at the number of days each member has been in actual attendance upon the Convention including Sundays and excluding the days on which any member has been absent by leave or otherwise and that this is the construction placed by this Convention upon the law under which it is assembled.

This resolution was adopted.

Consideration of the report of the Committee on Revenue and Finance was resumed.

Sections 12, 13 and 14 were adopted.

Mr. Coffin offered the following as a new section to take the place of Section 8 struck out:

SEC. 8. The legislature shall have power by general law to make suitable laws for the encouragement of timber culture.

The yeas and nays being called for upon the adoption of the new Section 8 the following members voted "aye:" Allen, Baker, Bellon, Britton, Buechler Campbell, Coffin, Conniff, Craig, Crose, Fisher, Gault, Gehon, Huntley, Jessup, Kendall, Mason, Myers, Miller, Oaks, Potter, Pendleton, Reed, Ryan, Schultz, Smith, Stone, Ward of Yankton, Weatherwax, Wright of Lake, Mr. President—31.

The following members voted "nay:" Alexander, Andrus, Ashton, Beebe, Berdahl, Blair, Booth, Brookings, Brown, Corson, Dahl, Dollard, Dow, Elfes, Fellows, Fowler, Frank, Gifford, Goddard of Minnehaha, Goddard of McCook, Grant, Gray, Gregory, Gunderson, Haines, Jones, Kanouse, Kellam, Lowe, Lowthian, Maynard, McCallum, Moody, More, Murphy, Neill, Owen, Patten, Proudfoot, Sheets, Snow, Tousley, Tychsen, Upkyke, Ward of Hughes, Weeden, Westfall, White, Wilcox, Wright of Brookings—50.

Mr. McCallum explained his vote, voting "nay" because he thought the section if adopted would make no difference in law.

The substitute was lost.

Mr. McCallum offered the following as a substitute for Section 13.

No county, township, school district or any other officer shall use any public money, credit or warrants directly or indirectly for speculative purposes and any such officer who shall be guilty of such offense shall be punished as provided by law.

The substitute was lost.

Mr. Moody moved to amend Section 9 by striking out the figure "8" in line 26 and transposing the word "and" and the figure "7" in the same line.

The amendment was adopted.

The supplemental report of the committee consisting of Sections 15 and 16 was considered.

Mr. Lowthian moved to strike out Section 15.

The motion to strike out Section 15 was adopted.

On motion of Mr. Moody Section 16 was struck out.

Mr. Fowler moved that the Convention go into Committee of the Whole for consideration of the report of the Committee on Congressional and Legislative Apportionment.

The motion was lost by a vote of 27 yeas to 37 nays.

The report of the Committee on Congressional and Legislative Apportionment was taken up and considered by the Convention.

Section 1 was adopted as reported.

Mr. Wright of Brookings moved to amend Section 2 by making district No. 9 consist of the county of Minnehaha except the city of Sioux Falls and be entitled to one senator and the city of Sioux Falls constitute one district and be entitled to one senator.

Mr. Brookings moved to lay the amendment on the table.

The motion to lay on the table was carried.

On motion of Mr. Craig the report of the committee was adopted.

Mr. Frank moved to reconsider the vote adopting the report.

The vote to reconsider was carried.

Mr. Frank moved to add to the representative districts the following:

District No. 46 shall consist of the county of Lawrence and be entitled to four representatives.

District No. 47 shall consist of the county of Butte and be entitled to one representative.

The amendment was adopted.

On motion of Mr. Fellows the report as amended was adopted.

On motion of Mr. Ward of Yankton, the report of the Committee on Education and School Lands was taken up for consideration by the Convention.

Mr. Corson was called to the chair.

Sections 1, 2, 3 and 4 were adopted as reported.

Mr. Edgerton moved to amend section 5 by striking out the word "seven" in line 26 and inserting in lieu thereof the word "four."

The amendment was adopted.

Mr. Britton moved to amend section 5 by striking out the word "ten" in line 21 and inserting therefor the word "seven."

Mr. Owen moved to amend the amendment by changing the word "seven" to "fifteen."

By consent both amendments were withdrawn.

Mr. Kanouse moved to amend section 5 by adding to line 26 the words "in advance."

The amendment was adopted.

Mr. Proudfoot moved to amend section 5 by inserting after the word "government" in line 31, the words, "and not more than one quarter section shall be sold to any one person."

The amendment was lost.

Section 5 as amended was approved.

Sections 6, 7 and 8 were approved.

Mr. Campbell moved to amend section 9 by inserting after the word "except" in line 26 the words, "for purposes of pasturage and meadow."

Mr. Lowthian moved to strike out section 9.

The motion to strike out was lost.

The amendment offered by Mr. Campbell was adopted.

Mr. Neill moved to amend section 9 by inserting the word "five" in place of the word "fifteen," in line 29.

The amendment was adopted.

Mr. Fisher moved to amend section 9 by inserting the word "agricultural" after the word "no" in line 25.

The amendment was lost.

Mr. Haines moved to amend section 5 by striking out the word "four" in line 26 and inserting in place thereof the word "six."

The yeas and nays being ordered, the following members voted "aye": Allen, Andrus, Baker, Beebe, Berdahl, Blair, Booth, Britton, Coffin, Craig, Crose, Dahl, Dow, Elfes, Fisher, Frank, Gehon, Goddard of Minnehaha, Gray, Haines, Jessup, Miller, Moody, More, Murphy, Oaks, Owen, Patten, Pendleton, Proudfoot, Reed, Ryan, Sheets, Updyke, Williams, Wright of Brookings—36.

Those voting "nay" were as follows: Alexander, Ashton, Bellon, Brookings, Brown, Buechler, Campbell, Conniff, Corson, Dollard, Fellows, Fowler, Gault, Gifford, Goddard of McCook, Grant, Gregory, Gunderson, Huntley, Jones, Kanouse, Kendall, Kellam, Lowe, Lowthian, Mason, Maynard, McCallum, Myers, Neill, Potter, Schultz, Smith, Snow, Stone, Tychsen, Ward of Hughes, Ward of Yankton, Weatherwax, Westfall, White, Wilcox, Wright of Lake, Mr. President—44.

The amendment was declared lost.

On motion of Mr. Campbell section 9 as amended was adopted.

Section 10 was adopted as reported.

Mr. Ward of Yankton offered the following as a new section to be inserted in the report under consideration:

"The legislature shall provide by law for the protection of the school lands from trespass or unlawful appropriation and for their defense against all unauthorized claims or efforts to divert them from the school fund."

Mr. Edgerton moved to amend section 11 by striking out of lines 41 and 42 the words, "in first mortgages upon good improved farm lands within the State."

The amendment was withdrawn and on motion of Mr. Haines the report was referred back to the Committee on Education and School Lands for revision.

Mr. Neill moved that when the Convention adjourn it be until 7:30 o'clock this evening.

Carried.

On motion the Convention adjourned.

EVENING SESSION.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment, reported the report of the Committee on Corporations other than Banking or Municipal, on Name, Boundary and Seat of Government and on County and Township Organization, properly engrossed.

The reports were referred to the Committee on Arrangement and Phraseology.

Mr. Dow offered the following resolution:

RESOLVED, That the Secretary be instructed to furnish for the use of the members an alphabetical list containing name, county, postoffice address, etc., of each member of this Convention.

The report of the Committee on Compensation of Public Officers was taken up for consideration.

Mr. Coffin moved to amend the report by increasing the salaries of each and all judges $500.

A division of the question being called for, the proposition to increase the salary of the Supreme Court judges was lost.

Mr. Conniff moved to increase the salary of attorney general to $1,500.

The motion was lost

Mr. More moved to amend by inserting after the word "dollars" in line 13, the words, "the commissioner of school and public lands shall receive an annual salary of $2,000.

Mr. Stone moved to amend by making the salary $1,800.

The latter amendment was carried.

Mr. Jessup moved to increase the salary of Superintendent of Public Instruction to $2,000.

The motion was lost.

Mr. Stone moved to make the salary of Superintendent of Public Instruction $1,800.

Mr. Myers moved to amend by making the salary $2,100.

Mr. Myers' amendment was lost.

Mr. Stone's amendment was adopted.

Mr. Owen moved to amend the section by adding after the word "office" in line 19, the following: "but they shall be allowed five cents a mile for necessary travel in the discharge of their official duty."

Mr. Neill moved to amend by adding the words, "not to exceed one-third of their salary."

Mr. Neill's amendment was lost.

Mr. Owen's amendment was lost.

The report was referred to the Committee on Engrossment and Enrollment.

The report of the Committee on State, County and Municipal Indebtedness was considered by the Convention.

Sections 1, 2 and 3 were approved.

Mr. Moody moved to strike out the word "not" in line 28.

The motion was carried.

Mr. Owen moved to amend section 5 by adding thereto the words, "until such debt be paid."

Carried.

The report was adopted as amended, and referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Municipal Corporations was taken up and considered.

On motion, section 3 was stricken out.

On motion of Mr. Dow, the report was adopted as amended, and was referred to the Committee on Engrossment and Enrollment.

Mr. Dow moved that the resolution offered by himself at the opening of the session be taken up for adoption.

Carried.

On motion of Mr. Dow, the resolution was adopted.

The report of the Committee on Mines, Mining and Water Rights was considered.

Mr. Campbell moved to strike out section 1.

Motion to strike out was lost.

Mr. Fowler moved to adopt section 1.

The motion was lost.

Mr. Moody moved to strike out sections 2 and 3.

Carried.

Motion to strike out section 4 was lost.

Section 4 was adopted.

Motion to strike out the word "shall" in line 22 and insert the word "may" was lost.

Fowler moved to postpone further consideration until tomorrow morning.

Carried.

Mr. Pendleton asked and was granted leave of absence from further attendance upon the Convention.

On motion, the Convention adjourned.

SIXTEENTH DAY.

September 23, 1885.

The Convention met and was called to order by the President.

Prayer was offered by Rev. S. F. Huntley, member of the Convention from Jerauld county.

The Secretary read the Journal of the preceding day, which was approved.

Mr. Reed, chairman of the Committee on Revenue and Finance, presented the following report:

REPORT OF THE COMMITTEE ON REVENUE AND FINANCE.

MR. PRESIDENT:

Your Committee on Revenue and Finance, to whom was referred for reconsideration section 2 of their first report, beg leave to submit the following as a substitute for said section 2, and recommend its adoption:

SECTION 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement and assessment as may be prescribed by the legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property. And the legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

C. M. REED,
J. B. GODDARD,
GEORGE G. CROSE,
B. B. POTTER,
JOSEPH ALLEN,
MILES WHITE.

Mr. Neill, chairman of the Committee on Printing, would respectfully submit the following report:

That 100,000 copies of the Constitution and Address to the People be printed in newspaper supplement form and furnished the newspapers south of the 46th parallel, for general distribution among the people; and further, that 10,000 copies of the Constitution, including Memorial to Congress and Address to the People of Dakota, be printed in pamphlet form for the use of members of this Convention.

HENRY NEILL,
E. M. JESSUP,
A. GUNDERSON,
R. C. TOUSLEY.

Mr. McCallum moved to adopt the report.

Mr. Gunderson moved to amend the report so as to provide for the publication of 10,000 supplements in each of the German and Norwegian languages.

The amendment was adopted.

The report as amended was adopted.

Mr. Stone moved to reconsider the vote by which section 2 of the report of the Committee on Name, Boundary and Seat of Government was amended.

The motion was declared out of order on the ground that the vote could not be considered before the report should be recalled from the Committee on Arrangement and Phraseology, to whom it had been referred by the Convention.

Mr. Dow moved that said report be recalled.

The vote to recall the report was lost by a vote of 31 yeas to 39 nays.

Mr. Kanouse moved to reconsider the last vote.

Mr. Neill moved to lay the motion to reconsider on the table.

Carried.

On motion, the special report of the Committee on Revenue and Finance, upon section 2 of its report, was taken up.

Mr. Owen offered the following as a substitute, and moved its adoption:

SECTION 2. All taxes levied in this State shall be uniform on all property according to its value, so that all property of individuals and corporations shall bear an equal proportion of the burden of taxation. The legislature shall provide by general law for the assessment of property and levy of taxes in such manner as to effect the purposes of this section.

The "ayes" and "nays" being called for, the following members voted "aye": Baker, Coffin, Dow, Jones, Miller, Owen, Patten, Proudfoot, Sheets, Weatherwax, Williams—11.

The following members voted "no": Alexander, Allen, Andrus, Ashton, Beebe, Berdahl, Britton, Bellon, Blair, Booth, Brookings, Brown, Buechler, Campbell, Conniff, Corson, Craig, Crose, Dahl, Dollard, Elfes, Fellows, Fisher, Fowler, Frank, Gault, Gehon, Gifford, Goddard of Minnehaha, Goddard of McCook, Grant, Gregory, Gunderson, Haines, Hanson, Huntley, Kanouse, Kendall, Kellam, Lowe, Lowthian, Mason, Maynard, McCallum, Murphy, Neill, Oaks, Potter, Reed, Ryan, Schultz, Smith, Snow, Stone, Tousley, Tychsen, Updyke, Ward of Hughes, Weeden, Westfall, White, Wilcox, Wright of Lake, Wright of Brookings, Mr. President—66.

The substitute was declared lost.

The reported section 2 was adopted.

The full report of the Committee on Revenue and Finance, as amended, was adopted and referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Public Institutions was taken up and considered.

Sections 1 and 2 were approved.

Mr. Britton moved to amend section 3 by striking out all of lines 16 and 17 after the word "year" in line 16.

The amendment was adopted.

Section 3 as amended was approved.

Section 4 was approved.

Mr. Fowler moved to amend the report by adding to line 9 the words "whose compensation shall be fixed by law."

The amendment was adopted.

The report as amended was adopted and referred to the Committee on Enrollment and Engrossment.

The report of the Committee on Mines, Mining and Water Rights was taken up and consideration thereon resumed from the point at which it was left on September 22.

On motion of Mr. Corson, sections 5, 6, 7 and 8 were stricken out.

The report as amended was adopted and referred to the Committee on Arrangements and Phraseology.

The report of the Committee on Banking and Currency was taken up and considered.

Mr. Britton moved to amend section 1 by striking out the word "shall" after the word "law" in line 1.

The amendment was lost.

Mr. Fisher moved to amend section 1 by striking out the figures "10" in line 6 and inserting in place thereof the figures "20."

Mr. Gehon offered to amend the amendment by substituting in place of the entire report the following:

"No banks except banks of exchange shall exist in this State, but the legislature shall provide by general laws for the incorporation of banks of exchange and make rules and regulations for the government of the same."

The substitute was lost.

The amendment was lost.

Section 2 was approved.

Mr. Neill moved to amend section 3 by striking out all of lines 17, 18 and 19 after the word "corporation" in line 17.

The amendment was lost.

The report was adopted and referred to the Committee on Arrangement and Phraseology.

The report of the Committee on Exemptions, Real and Personal, was taken up and considered, also the minority report of the same committee.

Mr. Gehon moved to substitute the minority report for the report of the committee.

Mr. Fowler moved to amend the substitute by striking out the words and figures "two thousand ($2,000)" and insert in place thereof the words and figures "five thousand ($5,000), and to provide that there shall be no exemptions except to the heads of families."

Mr. Miller moved to indefinitely postpone consideration of the minority report.

The motion to postpone was carried by a vote of 53 to 16.

Mr. Neill moved to adopt the report of the majority of the committee.

Mr. Frank moved to amend by striking out the works "to all heads of families," in line 4.

The amendment was lost.

Mr. Schultz moved to amend by inserting after the word "law" in line 4, the words "not to exceed three thousand dollars," and to insert after the word "laws" in line 6 the words "not to exceed one thousand dollars."

The amendment was lost by a vote of 21 to 44.

Mr. Goddard moved to amend section 1 by striking out all of lines 6, 7 and 8 after the words "general laws" in line 6.

The amendment was adopted.

Mr. Wright of Lake moved to add section 2 of the minority report to the report of the committee.

Mr. Mason moved to amend the section proposed to be added by striking out the words and figures "two thousand ($2,000)" in line 15 and inserting in place thereof the words and figures "one thousand five hundred ($1,500)," and striking out the words and figures, "one thousand ($1,000)," in line 17 and inserting in place thereof the words and figures "five hundred ($500)."

After discussion Mr. Kanouse moved the previous question, which was sustained.

The amendment of Mr. Mason was lost.

The "yeas" and "nays" being called, the following members voted "aye" upon the amendment offered by Mr. Wright: Andrus, Blair, Booth, Conniff, Dahl, Fellows, Fowler, Gault, Gehon, Jessup, Jones, Patten, Potter, Proudfoot, Ryan, Schultz, Smith, Stone, Tousley, Updyke, Ward of Hughes, Weeden, Westfall, Wright of Lake—29.

The following members voted "no:" Alexander, Allen, Ashton, Baker, Beebe, Berdahl, Bellon, Britton, Brookings, Brown, Buechler, Campbell, Coffin, Corson, Craig, Crose, Dow, Elfes, Fisher, Frank, Gifford, Goddard of Minnehaha, Goddard of McCook, Grant, Gray, Gregory, Gunderson, Haines, Hanson, Huntley, Lowe, Lowthian, Maynard, McCallum, Miller, Murphy, Neill, Oaks, Owen, Reed, Sheets, Snow, Tychsen, Ward of Yankton, Weatherwax, White, Wilcox, Williams, Wright of Brookings, Mr. President—50.

The amendment was declared lost.

The report as amended was adopted and referred to the committee on Engrossment and Enrollment.

On motion, the Convention adjourned.

AFTERNOON SESSION.

The Convention met and was called to order by the President.

Mr. Campbell offered the following resolution:

RESOLVED, That the sum of ten dollars be and the same is hereby appropriated out of the moneys appropriated for the purposes of this Convention to pay the expense of exchange and transportation of funds for the use of the Convention, and the President of the Convention is authorized and directed to approve and account for the same in favor of the proper officers.

The resolution was adopted.

Mr. Blair, chairman of the Committee on Roads, Bridges and other Internal Improvements, presented the following report:

REPORT.

To the President and members of the Constitutional Convention:

Your Committee on Roads, Bridges and other Internal Improvements, beg leave to report that we have had the subject referred to us under consideration, and in our judgment the interests of the people of Dakota do not require any special provisions in the Constitution relative to this subject, except proper limitation to the power of the legislature to contract debts or to expend public funds for such purposes, and as such limitations have already been provided in articles which have been adopted as a part of the Constitution, we have nothing further to recommend.

H. H. BLAIR,
J. H. PATTEN,
L. H. WEEDEN,
GEORGE G. CROSE,
S. WEATHERWAX,
Committee.

Mr. Campbell offered the following resolution:

RESOLVED, That every delegate who shall be excused by this Convention and shall not be present when this Constitution is adopted and signed, be requested to leave his signature with the Secretary of the Convention with his authority to that officer to append the same to the Constitution.

The resolution was adopted.

Mr. Campbell offered the following resolutions:

RESOLVED, That the Committee on Printing be instructed to procure to be printed such blanks, ballots, poll-books and tally lists and records as may be ordered by the State Executive Committee, and have the same delivered to said committee, and that the Committee on Expenses of this Convention audit and allow the same in pursuance of the rules of this Convention, and the President of the Convention be authorized and directed to approve an account for the same before the adjournment of this Convention, and the Auditor be requested and authorized to draw a warrant for the same.

RESOLVED, That the Printing Committee ascertain and report to this Convention the cost of printing 10,000 copies of this Constitution, in pamphlet form, as also of the memorial to the President and Congress and the address to the people, and also the cost of printing the same as a newspaper supplement to be furnished to each of the newspapers published in Southern Dakota, in numbers according to the number of their respective circulations.

RESOLVED, That there be allowed to——for services as a clerk in compiling and preparing for publication the proceedings and results of this Convention, who shall also in consideration of such allowance act as a clerk and be subject to the order of the State Executive Committee during the period of their office.

On motion consideration of the resolution was deferred until 7:30 p. m.

On motion of Mr. Kellam the report of the Judiciary Committee was recalled, and Hanson county was changed from the First district to the Fourth district and Spink county from the Fourth district to the Fifth district.

Mr. Weeden offered the following resolution:

RESOLVED, That the legislature shall provide by general law a lawful rate of interest and prohibit usurious contracts and evasions of such law.

Referred to the Committee on Miscellaneous subjects.

Mr. More moved that the question of the legality of making the northern boundary line any other than the 46th parallel be referred to Judge Moody.

The motion was carried and Judge Moody gave his opinion that under the law and the action of the United States Senate, the 46th parallel was the only proper line of division.

Mr. Moody offered the following resolution:

RESOLVED, That when this Convention adjourns at this session, it adjourn to Tuesday, April — 1886. and that such members of the Convention as shall there convene, may adjourn the Convention from day to day or to a day certain or without day, as such members shall deem the circumstances warrant.

The resolution was adopted.

The report of the Committee on Amendments and Revision of the Constitution was taken up and considered by the Convention.

The report was adopted as reported and referred to the Commlttee on Arrangement and Phraseology.

The report of the Committee on Seal of State, Coat of Arms and Design of Same and the minority report of the same Committee were taken up and considered.

Mr. McCallum moved to substitute the minority report for the report of the Committee.

On motion Mr. McCallum was granted an extension of time on the floor to support his motion.

The "yeas" and "nays" being ordered the following members voted "aye":

Booth, Dow, Frank, Gehon, Mason, McCallum, Proudfoot, Stone, Tousley, Weeden—10.

The following members voted "no": Alexander, Allen, Andrus, Ashton, Baker, Beebe, Berdahl, Bellon, Blair, Britton, Brookings, Brown, Buechler, Campbell, Coffin, Conniff, Corson, Craig, Crose, Dahl, Elfes, Fellows, Fisher, Fowler, Gault, Gifford, Goddard of Minnehaha, Goddard of McCook, Grant, Gray, Gregory, Gunderson, Hanson, Huntley, Jessup, Jones, Kanouse, Kendall, Kellam, Lowe, Lowthian, Maynard, Miller, More, Murphy, Neill, Oaks, Owen, Patten, Potter, Reed, Ryan, Schultz, Sheets, Smith, Snow, Tychsen, Updyke, Ward of Hughes, Ward of Yankton, Weatherwax, Westfall, White, Wilcox, Williams, Wright of Lake, Wright of Brookings, Mr. President—68.

Mr. Proudfoot explained that he voted "aye" on the question from no irreligious motive, but because he wished to give all classes the fairest liberty in their belief.

The substitute was declared lost.

Mr. Corson moved to amend the report by striking out the figures "188—."

The amendment was adopted.

The report as amended was adopted. and referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Preamble and minority report of the same committee were taken up for consideration by the Convention.

Mr. Updyke moved to substitute the minority report for the report of the majority of the committee.

Mr. Campbell moved to amend the minority report by inserting after the word "States" in line 8, the words, "by virtue of the compacts of the ordinance of 1787 and of the treaty of cession with France" also inserting in line 10, before the word "cession," the words, "treaty or."

Mr. Frank moved to amend the amendment by striking out the words "south of the 46th parallel of north latitude," in lines 6 and 7.

After discussion Mr. Kanouse moved the previous question, which was sustained.

Mr. Frank's amendment was carried by a vote of 28 "yeas" to 24 "nays."

Mr. Campbell's amendment was adopted.

The amended minority report was lost.

Mr. Corson moved to amend the report by siriking out all of lines 4 and 5 after the word "government" in line 4 and inserting in place thereof the following: "establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the State of Dakota."

The amendment was adopted.

The report as amended was adopted and referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Impeachment and Removal from office was taken up and considered by the Convention.

Section 1 was approved.

Mr. Moody moved to amend section 2 by striking out the words, "Chief Justtce" in line 9 and inserting in lieu thereof the words, Presiding Judge."

The amendment was adopted.

Section 2 as amended was approved.

Sections 3, 4, 5, 6, 7 and 8 were approved.

The report as amended was adopted and referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Roads and Bridges and Other Internal Improvements was taken up and considered.

On motion of Mr. McCallum, the report was adopted and referred to the Committee on Arrangement and Phraseology.

Mr. More offered the following resolution and moved its adoption:

RESOLVED, That this Convention instruct the Committee on Arrangement and Phraseology to report the report of the Committee on Name, Boundary and Seat of Government as defining the north boundary on the 46th parallel, instead of the 7th standard parallel.

After discussion, Mr. Stone moved the previous question, which was sustained.

The "yeas" and "nays" being ordered on the resolution, the following members voted "aye": Alexander, Allen, Andrus, Baker, Beebe, Bellon, Blair, Booth, Britton, Brown, Buechler, Campbell, Coffin, Conniff, Corson, Craig, Crose, Dahl, Dollard, Dow, Elfes, Fellows, Fisher, Fowler, Frank, Gifford, Goddard of Minnehaha, Goddard of McCook, Grant, Gray, Gregory, Gunderon, Hanson, Huntley, Jessup, Kendall, Kellam, Maynard, McCallum, Moody, More, Murphy, Oaks, Owen, Reed, Schultz, Sheets, Smith, Snow, Stone, Tychsen, Updyke, Ward of Yankton, Weatherwax, Weeden, Westfall, Williams, Wright of Lake, Wright of Brookings, Mr. President.—60.

Those who voted "no" were as follows: Ashton, Berdahl, Gault, Gehon, Jones, Lowe, Lowthian, Mason, Miller, Neill, Patten, Potter, Proudfoot, Ryan, Tousley, Ward of Hughes, White, Wilcox—18.

The resolution was declared adopted.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment, presented the reports of the committees on State, County and Municipal Indebtedness, and on Compensation of Public Officers.

Engrossed as adopted.

The engrossed reports were referred to the Committee on Arrangement and Phraseology.

Mr. Moody offered the following resolution:

RESOLVED, That a committee of fifteen members be at once appointed, with Campbell of Yankton as chairman, to take into consideration the measure necessary to carry out the law of the legislative assembly and the proceedings of this Convention relating to the holding of the election at which the Constitution is to be submitted and officers provided for elected.

The resolution was adopted:

Mr. Neill moved that the Committee on Schedule be instructed to provide polling places in the counties of Emmons, Dickey, McIntosh, Sargent and Richland that the people thereof shall vote on the adoption of this Constitution.

The motion was carried.

On motion of Mr. Potter, the Convention adjourned.

EVENING SESSION

The President announced the following committee to take action on carrying out the law and election: Campbell, Booth, Frank, Grant, Kellam, Kanouse, Neill, Alexander, Gault, Haines, Brookings, Dollard, Wright of Brookings, Williams and Owen.

Mr. Neill moved that the Committee on Memorial to Congress have authority to determine among themselves how and when the memorial shall be prepared.

Carried.

The Committee on Education and School Land presented the following supplemental report.

The Committee on Education and School Lands to whom was referred back that part of report under discussion respectfully submit their supplemental report as follows:

1. They recommend the substitution of the following for section 11 of their report as before submitted.

2. They also recommend the reconsideration of the vote by which the word "four" was substituted for the word "seven" in line 26 of section 5 of the former report and the substitution of word "six" therefor.

3. They further recommend adding to line 3, section 12, the words: "other than such as are intrusted to the counties."

JAS. H. WARD, Chairman.

SUPPLEMENTAL REPORT OF COMMITTEE ON EDUCATION AND SCHOOL LANDS.

SECTION XI. 1. The moneys of the permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within this State as hereinafter provided, or in bonds of school corporations, or in bonds of the United States, or of the State of Dakota.

The legislature shall provide by law the method of determining the amounts of said funds which shall be invested from time to time in the said classes of securities respectively, taking care to secure continuous investments as far as possible.

2. All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, shall for such purpose be divided among the organized counties of the State in proportion to population as nearly as provisions by law to secure continuous investments may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date of receipt until returned because not loaned; and in case of loss to any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said moneys in bonds of school corporations, or in first mortgages upon good improved farms within their limits respectively; but no farm loan shall exceed five hundred dollars to any one person, nor shall it exceed one-half the valuation of the lands as assessed for taxation, and the rate of interest shall not be less than six per cent per annum, and shall be such other and higher rate as the legislature may provide, and shall be payable semi-annually on the first days of January and July: provided, that whenever there are moneys of said funds in any county amounting to one thousand

dollars that cannot be loaned according to the provisions of this section and law pursuant thereto, the said sum may be returned to the State treasurer to be entrusted to some other county or counties, or otherwise invested under the provisions of this article.

3. Each county shall semi-annually, on the first day of January and July, render an account of the condition of the funds intrusted to it to the Auditor of State, and at the same time pay to or account to the State treasury for the interest due on all funds intrusted to it.

4. The legislature may provide by general law that counties may retain from interest collected in excess of six per centum per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the State treasury of interest at the rate provided by law for said loans, except only said one per centum; and in no case shall the interest so to be paid be less than six per centum per annum.

5. The legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

Section —. All losses to the permanent school or other educational funds of this State which shall have been occasioned by the defalcation, negligence, mis-management or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so funded shall be a permanent funded debt against the State in favor of the fund sustaining the loss upon which not less than six per cent of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness of the State mentioned in article —, section —.

Mr. Jessup was called to the chair.

Mr. Moody moved that the blank in resolution providing for a date to which this Convention shall adjourn be filled by inserting therein the first Tuesday in May.

Carried.

Mr. Ward of Yankton presented petitions from citizens of the Territory on the subject of woman suffrage.

The report of the Committee on Education and School Lands was taken up for further consideration.

Mr. Corson moved to amend section 5 by striking out of line 25 the words "in not less than fifteen years" and insert in place thereof the words "as follows: One-fourth in five years, one-fourth in ten years, and one-fourth in fifteen years."

The amendment was adopted.

Mr. Ward of Yankton moved to reconsider the vote whereby the word "seven" was stricken from line 26, section 5, and the word "four" inserted.

The motion to reconsider was carried.

Mr. Miller moved to amend the amendment by inserting "eight" in place of "four."

Lost.

Mr. Britton moved to amend by inserting "six" in place of "four."

Carried, and the amendment adopted.

On motion of Mr. Ward of Yankton, the supplemental report of the same committee was adopted.

Mr. Fowler moved to amend section 5 by striking out the words "in advance" in line 26.

The amendment was lost.

Sections 13 and 14 were approved.

Mr. Haines moved to amend section 5 by inserting after the word "cash" in line 27 the words, "provided that, upon the payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time."

Mr. Brookings moved to amend by making the time six months in advance.

The amendment to the amendment was lost.

The amendment was adopted.

The report as amended was adopted, and referred to the Committee on Engrossment and Enrollment.

Mr. Moody offered the following resolution:

RESOLVED, That the thanks of this Convention and of the people whom we represent are due and are hereby tendered to the Hon. J. H. Teller, Secretary of the Territory, and the Hon. E. W. Caldwell, Auditor of the Territory, for their courtesy extended to this Convention, and for the uniform manifestation of their loyalty and devotion to the interests of the people of South Dakota.

The resolution was adopted.

Mr. Moody offered the following resolutions:

RESOLVED, That the Hon. J. H. Teller, Secretary of the Territory, be requested to furnish the Memorial Committee of this Convention such documentary facts from the records of his office as said committee shall request of him.

RESOLVED FURTHER, That the costs of copying and certifying such documents be audited and allowed by this Convention and certified as a part of the expenses.

The resolution was adopted.

Mr. Coffin, chairman of the Committee on Rights of Married Women, presented the following report:

REPORT OF COMMITTEE ON RIGHTS OF MARRIED WOMEN.

Your committee beg leave to make the following report:

SECTION —. The real and personal property of any woman in this State acquired before married, and all property real and personal to which she may after marriage become in any manner entitled, shall be and remain the sole and separate estate and property of such woman, the same as if she were unmarried.

FRED F. B. COFFIN,
FRANK GAULT,
H. F. FELLOWS,
A. HAINES,
W. H. GODDARD.
Committee.

Mr. Corson moved that the report be adopted.

The motion to adopt the report was carried.

Mr. Moody offered the following resolution:

RESOLVED, That the Secretary, Assistant Secretary and transcribing clerk be allowed the same number of days as are allowed to the members constantly in attendance upon this Convention, and that the Sergeant-at-arms be allowed two days more than the week days included in this session, and that all other of the officers and employes of this Convention be allowed for the number of week days they are actually employed.

The resolution was adopted.

On motion of Mr. Allen, the Convention adjourned.

SEVENTEENTH DAY.

September 24, 1885.

The Convention was called to order by the President.

Prayer was offered by Rev. J. H. More, member of the Convention from Beadle county.

The Secretary read the Journal of the preceding day, which was approved.

Mr. Proudfoot presented a series of resolutions from a convention of registers of deeds of South Dakota, held at Aberdeen on September 16, which was read.

Mr. Mason asked and was granted leave of absence during the remainder of the session.

Mr. Campbell, chairman of the special committee of fifteen; presented the following report:

MR. PRESIDENT:

The special committee of fifteen has had under consideration the matters referred to it, and submit the following resolution and respectfully recommend its adoption.

RESOLVED, That it is ordered by this Convention, that the account for the necessary expenses recommended and embraced in the schedule herewith transmitted, for the purpose of "providing all necessary means for holding the elections, other than such as is provided for under said act to be paid by each county in said Territory) provided for by the law creating this Convention, and for carrying into effect all the purposes of said Constitution, and for providing the manner of presenting the Constitution to the Congress of the United States," be allowed and ordered paid as follows:

For printing and distributing 100,000 copies of the Constitution and Address to the People, including form of the ballot, as supplements to the newspapers of the Territory, to be distributed in their circulation	$ 850 00
For printing 5,000 copies of the Constitution in pamphlet form, to be attached to and circulated with the Memorial to Congress, and for printing said Memorial in connection therewith	500 00
For printing and distributing 10,000 copies of the Constitution, including Address to the People and form of ballot, in German	125 00
For printing and distributing 10,000 copies of the Constitution, including Address to the People and form of ballot, in Scandinavian language	125 00
For 10,000 copies of said Constitution in pamphlet form, to be attached to and circulated with the Address of this Convention to the people of this Territory, and for printing said Address in connection therewith	375 00
For compensation of a clerk of this Convention for compiling and preparing the proceedings for publication, and other necessary work	500 00
For printing blank poll-books, blank returns, and other necessary blanks for election and expense of distribution of printed documents	1,025 00
For the expense of procuring necessary copies of documents and statistics from the offices of the Secretary of the Territory, Territorial Auditor, and census office	75 00
For the expense of presenting the Constitution to Congress	100 00
For stationery and postage	100 00
For printing ballots	375 00
Total	$4,650 00

and hereby authorize and request the President of the Convention to certify said account, attested by the Secretary, and instruct and authorize the Auditor to draw his warrant therefor in favor of the President of the Convention to be paid to the parties properly entitled thereto.

All of which is respectfully submitted.

HUGH J. CAMPBELL,
THEO D. KANOUSE,
HENRY NEILL,
S. M. BOOTH,
A. G. KELLAM,
MANFORD E. WILLIAMS,
JOHN A. OWEN,
A. E. FRANK,
FRANK ALEXANDER,
ROBERT DOLLARD,

Committee.

Mr. Campbell moved that consideration of the report be postponed until 2 o'clock p. m. and that the chairman of the Judiciary Committee be added to the committee of fifteen for purposes of consultation.

The motion was carried.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment, presented the reports of the committees on Mines, Mining and Water Rights, on State Institutions and Public Buildings, on Revenue and Finance, on Exemptions, on Seal of State and Coat of Arms, on Impeachment and Preamble, properly engrossed.

The said reports were referred to the Committee on Arrangement and Phraseology.

Mr. Brookings offered the following proposed sections for the Constitution.

SECTION —. The first legislature that shall meet after the admission of this State into the Union shall provide for the codification of all laws of the State, and after such codification shall have been made and approved by the legislature, no changes, amendments or repeals shall be made of such revised codes, except by a two-thirds vote of both branches of the legislature, taken by yeas and nays, and spread on the Journal.

On motion of Mr. Brookings, the rules were suspended and and the resolution adopted by a vote of 31 yeas to 31 nays.

Mr. Gault offered the following resolution:

RESOLVED, That the Phraseology Committee be and is hereby instructed to insert in the eighth line of section 5 of the report of the Committee on County and Township Organization, after the word "treasurer," the words "district attorney."

The resolution was adopted.

Mr. McCallum moved to reconsider the vote whereby the resolution providing for polling places in certain counties through which the 46th parallel runs, was adopted.

The motion to reconsider was carried.

Mr. McCallum moved to amend the resolution so as to read as follows: "The Schedule Committee shall provide for voting precincts in that part of the counties of Emmons, McIntosh, Dickey, Sargent and Richland lying south of the 46th parallel of north latitude."

The amendment was adopted.

Mr. Campbell moved to suspend the rules in order to reconsider the vote submitting the female suffrage question as a separate clause.

The motion to suspend the rules was carried.

Mr. Campbell moved to reconsider the vote whereby the Convention decided to submit the woman suffrage question as a separate clause.

The motion to reconsider was carried.

Mr. Campbell moved to strike out the section adopted providing for separate submission of the woman suffrage question, and to restore in place thereof section 2 of the original report of the Committee on Elections and Right of Suffrage.

Mr. Dow moved to refer the question to the Committee on Elections and Right of Suffrage.

The motion to refer was lost.

The motion to strike out separate submission and restore section 2 was carried.

Mr. Brookings moved to reconsider the vote whereby the section introduced by himself upon codification of laws was adopted.

The motion to reconsider was carried.

The proposed section was lost.

Mr. Moody offered the following resolution:

RESOLVED, That there be audited and paid to the persons officiating as chaplains of this Convention the sum of $2.50 per day each for so many days as each has so officiated, but not including the members who have thus officiated.

The resolution was adopted.

Mr. Ward of Yankton moved that a sufficient number of clerks be employed to prepare the reports for the Committee on Engrossment and Enrollment, and for engrossment of the Constitution.

Carried.

Mr. Moody offered the following resolution:

RESOLVED, That pursuant to rule 2 of this Convention, and to the end that the complete Journal of proceedings, as corrected and adopted from day to day, may be properly entered in the permanent Journal, the Assistant Secretary be instructed to complete the same after the adjournment of this Convention, provided the per diem therefor shall not exceed ten days, and that such duty shall include the supervision and distribution of the 500 extra copies heretofore ordered printed.

The resolution was adopted.

Mr. Ward of Yankton moved that the reports of the Committee on Prohibition, on Elections and Right of Suffrage, and the supplemental report of the Legislative Committee upon minority representation be recalled from the Committee on Schedule and referred to the Committee on Engrossment and Enrollment.

The motion was carried.

Mr. Corson moved that the report of the Committee on Schedule be made the special order for 2 o'clock p. m. this day.

The motion was lost.

On motion, the report of the Committee on Schedule was taken up and considered.

Sections 1, 2, 3 and 4 were approved.

Mr. Moody moved to amend section 5 by striking out the word "by" in line 10 and inserting in place thereof the word "under."

The amendment was adopted.

Section 5 as amended was approved.

Section 6 was approved.

Mr. Fowler moved to amend section 7 by making the date for the assembling of the first legislature to be the second Monday in February, 1886.

The amendment was lost.

Section 7 was approved.

Mr. Owen moved that consideration of section 8 be postponed until 2 o'clock p. m.

The motion was lost.

Section 8 was adopted.

Mr. Campbell moved to strike out lines 7, 8, 9 and 10 on page 3.

The motion to strike out was adopted.

Mr. Campbell moved to strike out all of section 9, beginning with line 32 on page 4, and ending with line 3 on page 5.

The motion to strike out was carried.

Mr. Kellam moved to amend section 9 by striking out lines 9, 10 and 11 on page 4, and in lines 14 and 15 the words "or upon which neither the words 'for such article' or 'against such article' are erased," and to add at the end of line 18 the words "and ballots upon which neither for such article nor against such article are erased shall not be counted upon such proposition."

The amendment was adopted.

Mr. Lowthian moved to amend section 9 by striking out the words "with pencil or ink" to stand as reported, and to add after the same the words "or otherwise."

The amendment to the amendment was lost.

The amendment was lost.

Mr. Campbell moved to amend section 9 by inserting after the word "election" in line 20, the words "for and against the Constitution."

The amendment was adopted.

On motion the Convention adjourned.

AFTERNOON SESSION.

The Convention was called to order by the President.

Mr. Corson moved that the Committee on Arrangement and Phraseology be instructed to insert $2,500 in place of $2,000 as the salary of district judges in the report of the Judiciary Committee.

The motion was lost by a vote of 21 to 29.

Mr. Brookings moved that the salary of the district judges be made $2,250.

The motion was lost.

Mr. Williams moved to amend section 9 of the report of the Committee on Schedule as follows: Insert after line 24, on page 3, the words, "provided that a departure from the form of ballot herein prescribed shall not render the same void if the intention of the voter can clearly be ascertained from the ballot cast."

On page 4 strike out from line 2 the word "against" and insert in lieu thereof the word "for."

Strike out from line 3 the words "are erased" and insert in lieu thereof the words "remain unerased."

Strike out from lines 3 and 4 the words, "and the words for the Constitution are not so erased."

Strike out from line 6 the word "for" and insert in lieu thereof the word "against."

Strike out from same line the words "are erased" and insert in lieu thereof the words "remain unerased."

In line 7 change "line" to "ink."

In line 7 strike out the words "and the words against the Constitution are not so erased."

In line 13 change the word "against" to "for," and strike out "are erased" and insert "remain unerased."

In line 17 change "for" to "against," and strike out "are erased" and insert "remain unerased."

The amendments were referred to the Committee on Schedule.

On motion of Mr. Owen, section 9 was referred back to the committee for revision.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment, presented the report of the Committee on Education and School Lands, properly engrossed, and the same was referred to the Committee on Arrangement and Phraseology.

Sections 10 and 11 of the Schedule were approved.

Mr. McCallum moved to amend section 12 by striking out the word "three" in line 24 and inserting the word "four."

The motion was lost.

Mr. Owen moved to strike out all of lines 25, 26 and 27 after the word "because" in line 25.

Lost.

Section 12 was approved.

Mr. Kellam moved to amend section 13 by striking out all of the paragraph after the word "Constitution" in line 32.

Carried.

Section 13 as amended was approved.

Section 14 was approved.

Mr. Campbell moved to amend section 15 by striking out the word "amend" in line 22 and inserting the word "general"

Carried.

Section 15 as amended was approved.

Sections 16 and 17 were approved.

Mr. Campbell moved to amend section 18 by striking out lines 12, 13 and 14.

Carried.

Mr. Moody moved to amend section 18 by inserting the word "jointly" after the word "ordinance" in line 22.

Carried.

Section 18 as amended was approved.

Mr. Campbell moved to amend section 19 by striking out lines 34, 35 and 36.

Carried.

Mr. Moody moved to amend section 19 by inserting the words "either or both" in place of the word "separately" in line 28.

Carried.

Section 19 as amended was approved.

Mr. Campbell moved to amend section 20 by inserting the words "and judicial" after the word "State" in lines 5 and 10 on page 10.

Carried.

Mr. Oaks moved to amend section 20 by inserting the word "total" before the word "number" in line 24.

Lost.

Mr. Frank moved to strike out all of section 20 after line 29.

Lost.

Section 20 as amended was approved.

Mr. Frank moved to strike out section 21.

Lost.

Sections 21, 22, 23, 24, 25, 26 and 27 were approved.

Mr. Moody moved that section 28 be transferred and constitute a separate article of the Constitution.

Carried.

Sections 29 and 30 were approved.

Mr. Moody moved that section 31 be referred to the Schedule Committee for revision.

Carried.

Mr. Owen moved that the report, except those sections recommitted or transferred be now adopted and referred to the Committee on Engrossment and Enrollment.

The motion was carried by a vote of 33 yeas to 29 nays.

Mr. Moody moved to amend the report of the special committee on expenses of publishing and elections by inserting before the several estimates the words "such sum as may be necessary not to exceed the sum of," and to strike out all after the total sum and insert in place thereof the words: "We recommend that a committee of this Convention be authorized to contract for said expenses and report to this convention."

The motion was carried.

Mr. Moody offered the following resolution:

RESOLVED, That the special committee of fifteen appointed to report upon the necessary expenses to carry out the purposes of this Convention as to the submission, etc., together with the Printing Committee, be, and they hereby are, authorized to contract for the services and material reported in their report this day made, at such sums as may be necessary not exceeding the several sums in such report specified and to report to this Convention.

The resolution was adopted.

Mr. Potter, chairman of the Committee on Engrossment and Enrollment presented the reports of the Committee on Prohibition and on Elections and Right of Suffrage properly engrossed, and the same were referred to the Committee on Arrangement and Phraseology.

The President appointed J. B. Clark and Frank Wildish as additional engrossing clerks.

Mr. Moody moved that the clerks be paid by the hour for extra work.

Carried.

Mr. Goddard of Minnehaha moved that the salary of the transcribing clerk be fixed at the same amount as that of the engrossing and enrolling clerk.

Carried.

On motion of Mr. Corson the Convention took a recess of one hour.

Upon reassembling, Mr. Alexander, chairman of the Committee on Miscellaneous Subjects presented the following report:

MR. PRESIDENT:

Your Committee on Miscellaneous Subjects submit the following report and recommend its adoption:

SECTION 1. The powers of the government of the State are divided into three distinct departments, the Legislative, Executive and Judicial, and the powers and duties of each are prescribed by this Constitution.

FRANK ALEXANDER,
MILES WHITE,
ROBERT J. BROWN,
ALBERT GUNDERSON,
THEODORE ELFES,
M. J. SCHULTZ,
Committee.

On motion of Mr. Neill the report was adopted and referred to the Committee on Arrangement and Phraseology.

Mr. Owen moved that the Committee on Engrossment and Enrollment be directed to insert in the article on Elections and Right of Suffrage, instead of section 2 the following:

SEC. — The legislature shall at its first session after the admission of the State into the union submit to vote of the electors of the State the following question, to be voted upon at the next general election thereafter, namely:

"Shall the word "male" be stricken from the article of the Constitution relating to Elections and Right of Suffrage?" If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the Right of Suffrage at any election in this State.

Mr. Ryan moved to lay the motion on the table.

Motion to lay on the table was lost.

The motion was adopted.

Mr. Campbell, chairman of the Committee on Schedule, reported back the sections of the report on Schedule referred to his committee for revision, with the following amendments:

In section 9, page 3, first line, the words "yes, no," be added after the words "for the Constitution."

That the words, "against the Constitution," in line 2 be stricken out;

That in line 3 the words, "the article on the subject of," be stricken out, and also all the words after the word "prohibition," to the end of line 4;

That the words, "yes, no," be added to line 3;

That lines 5 and 6 be stricken out;

That in lines 11 and 12 all the words except the words, "for minority representation," be stricken out;

That the words "yes, no," be added to line 11;

That the lines 13 and 14 be stricken out;

That the lines 17 to 24, inclusive, be stricken out and the following be substituted therefor: All persons desiring to vote for the Constitution or for any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution or against any article submitted separately, may erase the word "yes."

Any person may have printed or written on his ballot only the words, "for the Constitution" or "against the Constitution" and such ballots shall be counted for or against the Constitution accordingly;

The same provision shall apply to the articles submitted separately.

On page 4, line 2, insert the word "affirmative," before the word ballot," and strike out all the words after the word "upon" to the word "the;"

Strike out in lines 3 and 4 all the words, beginning with the word "are" and ending with the word "erased;"

In line 5 insert before the word "ballots," the word "negative;"

In line 6 strike out all the words prior to the word "the;"

Strike out all the words following the word "Constitution" and all of line 7;

In line 9 strike out the words, "they shall count;"

In lines 10 and 11 strike out all after the word "erased" and add thereto the words, "shall not be counted;"

In line 12 insert before the word "ballots" the word "affirmative;"

In line 12 strike out all after the word "upon;"

In line 13 strike out the words, "against any article," and insert the words, "the article on prohibition;"

In line 13 strike out all after the word "submitted" and all the following to the word "as" in line 15;

In line 16 insert after the word "all" the word "negative," and erase all that follows the word "upon" in line 16 to the word "such" in line 17;

In line 17 strike out all the words between "article" and "as;"

Page 12: Strike out all after the word "vote" in line 7 and insert the instructions heretofore adopted on page 3, as amended;

Add in line 14 the words, "yes, no;"

Strike out line 15;

In line 16 and and 17 strike out all but the words "for prohibition" and add the words, "yes, no;"

Strike out lines 18, 19 and 23 inclusive;

In lines 24 and 25 strike out all but the words, "for minority representation," and add the words, "yes, no;"

In line 36 insert the word "from" instead of the word "for" and add in separate lines, "First district, Second district, Third district."

Add the same provision as to minority representation as to prohibition, after line 18, page 4.

The failure to use the form of the ballot herein prescribed, shall not vitiate the vote of the intent if the voter is clearly ascertainable therefrom.

H. J. CAMPBELL, Chairman.

The report was adopted.

Mr. Kanouse moved to reconsider the vote.

Mr. Huntley moved to lay the motion to reconsider on the table.

The motion to lay on the table was carried.

Mr. Haines offered the following additional section for the Coustitution:

SEC. — Nothing in this Constitution or Schedule contained shall be construed to authorize the legislature to exercise any powers except such as are necessary to its organization, to elect United States senators, to provide and pass means and measures necessary, preliminary and incident to admission to the union, and to assemble, reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any power of his office except such as may be preliminary and incident to admission to the union; nor to authorize any officer of the judicial department to exercise and of the duties of his office until the State of Dakota shall have been admitted into the union.

On motion the section was made the special order for 7:30 o'clock this evening.

On motion the Convention adjourned.

EVENING SESSION.

The Convention was called to order by the president.

On motion of Mr. Campbell the Convention went into Committee of the Whole for consideration of the resolution offered by Mr. Haines, with Mr. Coffin in the chair.

Mr. Coffin, chairman of the Committee of the Whole, reported progress.

By consent Mr. Campbell moved to amend section 9 of the Schedule by striking out the words, "this Constitution," and inserting in place thereof the words, "the laws of this Territory."

The amendment was adopted.

On motion of Mr. Moody the report of the Committee of the Whole was accepted and the committee discharged.

Mr. Moody offered the following amendment to the section offered by Mr. Haines:

Add thereto the words, "except such as may be authorized by the congress of the United States."

The amendment was adopted.

Mr. Campbell offered the following substitute for the section offered by Mr. Haines:

"Nothing in this Constitution or Schedule shall be construed to authorize the State government or State or judicial officers to do any act contrary to the Constitution and laws of the United States."

The substitute was lost.

The section offered by Mr. Haines was adopted.

Mr. Reed moved to proceed to the election of a State Executive Committee.

The motion was carried.

Mr. Brookings moved to elect by ballot.

The motion was lost.

On motion of Mr. Kellam the Convention took a recess for fifteen minutes.

Upon reassembling Mr. Westfall asked and was granted leave of absence during the remainder of the session.

Mr. Dollard nominated Maj. J. R. Hanson of Yankton as a member of the State Executive Committee from the First circuit.

Mr. Brookings nominated E. P. Beebe of Sioux Falls for member from the Second circuit.

Mr. Lowthian nominated Rev. S. G. Updyke of Watertown for member from the Third circuit.

Mr. More nominated John Cain of Huron for member from the Fourth circuit.

Mr. Crose nominated Jas. A. Ward of Pierre for member from the Fifth circuit.

Mr. Fowler nominated Andrew J. Simmons of Rapid City for member from the Sixth circuit.

Mr. Moody nominated Hugh J. Campbell of Yankton for president of the State Executive Committee.

On motion of Mr. Kellam the gentlemen nominated were unanimously elected.

On motion the Convention adjourned.

EIGHTEENTH DAY.

September 25, 1885.

The Convention met and was called to order by the President.

Prayer was offered by Rev. S. G. Updyke, member of the Convention from Codington county.

The Secretary read the Journal of the preceding day, which was approved.

Mr. McCallum was called to the chair.

Mr. Moody offered the following resolution:

WHEREAS, The Convention has, through its proper committees, ascertained the entire expense of holding the same up to this day, to wit: the 25th day of September, 1885 (at which time it adjourned to the first Tuesday in May, 1886), including the per

diem and mileage of its members, compensation of its officers, and all necessary expenses, and such entire expense to said time amounts to the sum of $——; therefore, be it

RESOLVED, That the presiding officer of this Convention shall certify under his hand this as ascertained amount, by certifying to the passage of this preamble and resolution, and the same shall be attested by the Secretary of the Convention, and shall be addressed to the Secretary of the Territory, to be filed by him in his office and kept as a record thereof.

RESOLVED FURTHER, That if said Convention shall reassemble at the adjourned day thereof, or on any day to which the same shall be further adjourned, that the additional expense of the same shall be in like manner certified to said Secretary.

The resolution was adopted.

Mr. Neill moved to insert in the report of the Schedule Committee in lines 41 and 42 of page 5, and line 1 of page 6, the names of J. R. Hanson, Yankton county; E. P. Beebe, Minnehaha county; S. G. Updyke, Codington county; John Cain, Beadle county; Jas. A. Ward, Hughes county; A. J. Simmons, Pennington county, and in line 2 of page 6 insert the name Hugh J. Campbell, Yankton county.

The motion was carried.

On motion, the Convention took a recess for thirty minutes.

Upon reassembling, Mr. Brookings moved that the disposition of furniture owned by the Convention be left to the Committee on Expenses.

The motion was carried.

Mr. Campbell, chairman of the special committee of fifteen, presented the following report, which was adopted:

To the President and Convention:

Your special committee of fifteen appointed to report upon the necessary expenses to carry out the purposes of this Convention and authorized to contract for the same, report as follows:

That, in pursuance of their authority, they have contracted with Caldwell & Bliss for 100,000 newspaper supplements containing the Constitution and the Address to the People $850 00

With S. T. Clover, of THE LEADER office, for 5,000 copies in pamphlet form of the Constitution and Memorial to Congress 200 00

With S. T. Clover, of THE LEADER office, for 10,000 pamphlets containing the Constitution and Address to the People 375 00

With C. Kleinpell, for 10,000 newspaper supplements of the Constitution and Address to the People in German, and distributing the same 140 00

With S. O. Norvold for 10,000 copies of the Constitution and Address to the People in Scandinavian, and distributing the same 140 00

With Bowen & Kingsbury for 2,000 poll books and blank returns 800 00

For 200,000 election tickets, to be purchased in the various counties 500 00

For clerk hire 500 00

For services for engrossing the Constitution and Memorial to be presented to Congress, and necessary expenses connected therewith 100 00

For expenses of obtaining returns from the Auditor's office and Census Bureau 75 00

For stationery and postage 100 00

With John Cain, for editing the debates 300 00

And your committee recommend the following order for the Convention:

Be it ordered, that the foregoing amounts be and the same are hereby appropriated for the purposes named, and that the President of the Convention be instructed and authorized to certify that the above amounts were allowed and audited by the Convention, and that the Auditor be instructed and authorized to issue his warrants for the same in favor of the proper parties.

Respectfully submitted,

HUGH J. CAMPBELL,
W. M. WRIGHT,
JOHN A. OWEN,
A. HAINES,
SAMUEL MILLER,
W. W. BROOKINGS,
HENRY NEILL,
A. E. FRANK,
T. D. KANOUSE,
FRANK ALEXANDER,
FRANK GAULT,

Committee.

Mr. Kellam offered the following resolution:

RESOLVED, That the thanks of this Convention are due and hereby gratefully acknowledged to Hon. A. J. Edgerton for the ability and fairness with which he has presided over the deliberations of this Convention.

The resolution was unanimously adopted.

Mr. Kellam offered the following resolution:

RESOLVED, That the earnest thanks of this Convention are hereby tendered to the Secretary, Assistant Secretary, Sergeant-at-arms, the stenographer and clerical force, and to the messengers for the efficient and prompt discharge of their duties; to the press of this city for the accuracy of their reports, and to the chairman of the printing committee and the printers for excellent and prompt service in meeting the wants of this Convention.

The resolution was unanimously adopted.

Mr. Ward, chairman of the Committee on Arrangement and Phraseology, presented the reports of the several committees engrossed and arranged as an entire Constitution.

Mr. Campbell moved that the same be read by the Secretary and signed by the members.

The motion was carried, and the reading proceeded with section by section.

Mr. Kellam moved to amend section 24 of the report of the article on judiciary department by striking out the words "an attorney general for the State and."

The amendment was adopted.

Mr. Kellam moved to amend section 38 of the article on judiciary department so as to make the style of the process read: "The State of Dakota."

The amendment was lost.

On motion, the Convention adjourned.

AFTERNOON SESSION.

The Convention was called to order by the president.

Wm. H. Parker, delegate from Lawrence county, presented credentials and was sworn in as a member of the Convention.

Mr. Macleod moved that the rules be suspended and Mr. W. S. Wynn be permitted to make a proposition upon the floor of the Convention.

The motion was lost.

The Secretary presented the following list of names of members of the Convention, with their postoffice address, as provided by resolution previously adopted:

NAME.	POSTOFFICE.	COUNTY.
Frank Alexander	La Grace	Campbell.
Joseph Allen	Hurley	Turner.
C. E. Andrus	Otto	Hamlin.
W. G. Ashton	Wilmot	Roberts.
J. M. Baker	Bonilla	Beadle.
E. P. Beebe	Sioux Falls	Minnehaha.
A. J. Berdahl	Pennington	Minnehaha.
David Bellon	Olivet	Hutchinson.
H. H. Blair	Elk Point	Union.

NAME.	POSTOFFICE.	COUNTY.
S. M. Booth	Custer	Custer.
G. C. Britton	Northville	Spink.
W. W. Brookings	Sioux Falls	Minnehaha.
Robert J. Brown	Duncan	Buffalo.
C. Buechler	Freeman	Hutchinson.
H. J. Campbell	Yankton	Yankton.
J. B. Churchill	Armadale	Spink.
F. F. B. Coffin	Huron	Beadle.
T. H. Conniff	Bridgewater	McCook.
D. Corson	Deadwood	Lawrence.
T. H. Craig	Frankfort	Spink.
S. H Cranmer	Ipswich	Edmunds.
Geo. G. Crose	Bramhall	Hyde.
John Dahl	Elk Point	Union.
Robert Dollard	Scotland	Bon Homme.
J. T. Dow	Frederick	Brown.
Theo. Elfes	Castalia	Charles Mix.
H. F. Fellows	Plankinton	Aurora.
F. I. Fisher	Frankfort	Spink.
J. W. Fowler	Rapid City	Pennington.
A. E. Frank	Deadwood	Lawrence.
Frank Gault	Leola	McPherson.
Jere Gehon	Canton	Lincoln.
C. S. Gifford	Dell Rapids	Minnehaha.
J. B. Goddard	Taopi	Minnehaha.
W. H. Goddard	Montrose	McCook.
H. J. Grant	Minnesela	Butte.
Isaac Gray	Alexandria	Hanson.
C. M. Gregory	Plainfield	Brule.
Albert Gunderson	Wessington Springs	Jerauld.
A. Haines	Parker	Turner.
J. R. Hanson	Yankton	Yankton.
S. F. Huntley	Templeton	Jerauld.
E. M. Jessup	DeVoe	Faulk.
Stephen Jones	Roswell	Miner.
Theo D. Kanouse	Woonsocket	Sanborn.
J. P. Kendall	Akron	Iowa.
A. G. Kellam	Chamberlain	Brule.
L. W. Lansing	Ree Heights	Hand.
Geo. R. Laybourn	Groton	Brown.
W. A. Lichtenwallner	Harold	Hughes.
C. S. Lowe	Altamont	Deuel.
N. I. Lowthian	Milbank	Grant.
J. D. Mason	Bath	Brown.
C. J. Maynard	Kimball	Brule.
J. K. P. McCallum	Huron	Beadle.
C. J. C. Macleod	Warner	Brown.
C. H. Meyers	Redfield	Spink.
Samuel Miller	East Pierre	Hughes.
G. C. Moody	Deadwood	Lawrence.
J. H. More	Winthrop	Beadle.
W. H. Murphy	Alexandria	Hanson.
Henry Neill	Big Stone City	Grant.
E. I. Oaks	Hartford	Minnehaha.
John A. Owen	DeSmet	Kingsbury.
J. H. Patten	Carthage	Miner.
K. G. Phillips	Deadwood	Lawrence.
B. B. Potter	Bangor	Walworth.
H. F. Pendleton	Okobojo	Sully.
R. A. Proudfoot	Pitrodie	Clark.
C. M. Reed	Blunt	Hughes.
M. A. Ryan	White Lake	Aurora.
M. B. Schultz	Greenfield	Clay.
H. H. Sheets	Esmond	Kingsbury.
H. M. Smith	Hand	Hand.
Geo. W. Snow	Springfield	Bon Homme.
Willis C. Stone	Copp	Potter.
J. W. Taylor	Canton	Lincoln.
R. C. Tousley	Parker	Turner.
N. Tychsen	Daneville	Turner.
Stephen G. Updyke	Watertown	Codington.
R. C. Walton	Aurora	Brookings.
Jas. A. Ward	Pierre	Hughes.
Joseph Ward	Yankton	Yankton.
S. C. Weatherwax	Alpena	Beadle.
L. H. Weedon	Central City	Lawrence.
I. M. Westfall	Watertown	Codington.
Miles White	Barton	Brookings.
Daniel Wilcox	Running Water	Bon Homme.
M. E. Williams	Miller	Hand.
Geo L. Wright	Winfred	Lake.
W. M. Wright	Volga	Brookings.
A. J. Edgerton	Yankton	Yankton.

Mr. Campbell moved that all members absent be excused from further attendance upon the Convention.

The motion was lost.

The reading of the Constitution was resumed.

Mr. Ward of Yankton moved to amend the article on education and school lands by adding thereto the following section:

SECTION —. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any school in this State, under such penalties as shall be provided by law.

The amendment was adopted.

Mr. Ward of Yankton moved to amend the article on legislative apportionment by making representative district No. 38 embrace the territory north of Day county and south of the 46th parallel.

Carried.

Mr. Conniff moved to reconsider.

Carried.

Mr. Campbell moved to strike out the addition just made.

Carried.

Mr. Kellam offered the following section and moved the same be incorporated into and form the last section of the article on miscellaneous subjects:

SECTION —. Every person elected or appointed to any office in this State, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State and faithfully to discharge the duties of his office.

The section was adopted.

Mr. Haines moved to strike out of the last clause of the article on rights of married women the words "the same as if she were unmarried."

Mr. Williams moved to amend by striking out the entire article.

Carried.

Mr. Owen moved to amend section 2 of the article on amendments and revision of the Constitution by striking out the words "lower house of the legislature" and inserting the words "house of representatives."

Carried.

Mr. Coffin offered the following section to take the place of the article on rights of married women.

SECTION —. The real and personal property of any woman in this State acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled,

shall be her separate property, and shall not be liable for the debts of her husband.

The article was adopted.

Mr. Campbell moved that the report of the Committee on Arrangement and Phraseology be adopted, and that the Constitution as now finally amended and enrolled be adopted; that the enrolled copy be then bound under the direction of the Committee on Arrangement, and be then committed to the custody of the President of the Convention to be by him preserved carefully and transmitted to the Governor of the State of Dakota.

[See close of this day's proceedings for the Constitution.]

Mr. Fellows, chairman of the Committee on Expenses, presented the following bills:

E. B. Smith & Co., three tables	$ 7 50
Emerson & Bear, stationery	20 00
T. G. Brown, stationery	19 75
John Zentel, to thirteen tables	62 45
Martin & Cory, printing	66 50
S. T. Clover, printing	908 50
O. Barrett, committee rooms	15 00
Emerson & Bear, stationery	53 30
R. C. Waples, committee rooms	60 00
German Society, hall rent	216 00

Allowed and ordered paid.

Mr. Fellows, chairman of the Committee on Expenses, presented the following report:

Expenses of the Constitutional Convention held at Sioux Falls, D. T. (Under chapter 33, Laws of 1885.)

H. F. FELLOWS,
GEO. W. SNOW,
W. H. MURPHY,
C. M. GREGORY,
Committee.

The report was adopted.

On motion of Mr. Fellows, the sum of $30 was added to the report to cover vouchers for chaplains.

Mr. Conniff moved that any member who may have gone home before signing the Constitution be requested to do so at the Secretary's office after adjournment.

Carried.

On motion the Convention adjourned.

EVENING SESSION.

The Convention was called to order by the President.

Mr. Kellam moved that the Convention do now adjourn until the first Tuesday in May, 1886.

The motion was carried.

THE CONSTITUTION

ADOPTED BY THE

Convention Held at Sioux Falls, Dakota, September, 1885.

PREAMBLE.

We, the people of Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the State of Dakota.

ARTICLE I.

NAME AND BOUNDARY.

SECTION 1. The name of the State shall be Dakota.

SEC. 2. The boundaries of the State of Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota, with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota, to its intersection with the forty-sixth parallel of north latitude; thence west along the forty-sixth parallel of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington, to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

The powers of the government of the State are divided into three distinct departments—the legislative, executive and judicial, and the powers and duties of each are prescribed by this Constitution.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a legislature, which shall consist of a senate and house of representatives.

SEC. 2. The number of members of the house of representatives shall not be less than seventy-five nor more than one hundred and thirty-five. The number of members of the senate shall not be less than twenty-five nor more than forty-five.

The sessions of the legislature shall be biennial except as otherwise provided in this Constitution.

SEC. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have attained the age of twenty-five years, and who shall not have been a resident of the State or Territory for two years next preceding his election.

No person shall be eligible to the office of representative who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the State or Territory for two years next preceding his election, and who shall not have attained the age of twenty-five years.

No judge or clerk of any court, secretary of State, attorney general, States' attorney, recorder, sheriff, or collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States, or this State, or any foreign government, shall be a member of the legislature: provided, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the legislature or become a member thereof.

SEC. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been, or may be collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof.

SEC. 5. The legislature shall provide by law for the enumeration of the inhabitants of the State in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at its first regular session, after each enumeration made by authority of the United States, but at no other time; the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy; provided, that the legislature may make an apportionment at its first session after the admission of Dakota as a State.

SEC. 6. The terms of the office of the members of the legislature, shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the legislature, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the legislature on the most usual route.

Each regular session of the legislature shall not exceed sixty days, except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage.

SEC. 7. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January, at 12 o'clock m., in the year next ensuing the election of members thereof, and at no other time except as provided by this Constitution.

SEC. 8. Members of the legislature and the officers thereof before they enter upon their official duties, shall take or subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly

or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give, or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or circuit court, or the presiding officer of either house, in the hall of the house to which the member is elected, and the secretary of State shall record and file the oath subscribed by each member and officer.

Any member or officer who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the legislature who shall be convicted of having sworn falsely to or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature.

SEC. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such a penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employes and fix the pay thereof, except as otherwise provided in this Constitution.

SEC. 10. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 11. Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the some; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected, nor shall any member receive any civil appointment from the Governor, the Governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall a member of the legislature during the time for which he shall have been elected, or within one year thereafter, be interested, directly or indirectly, in any contract with the State or any county thereof, authorized by any law passed during the term for which he shall have been elected,

SEC. 13. Each house shall keep a Journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any question shall be taken at the desire of one-sixth of those present and entered upon the Journal.

SEC. 14. In all elections to be made by the legislature the members thereof shall vote viva voce and their votes shall be entered in the Journal.

SEC. 15. The sessions of each house and of the Committee of the Whole shall be open, unless when the business is such as ought to be kept secret.

SEC. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 17. Every bill shall be read three several times, but the first and second reading may be upon the same day, and the second reading may be by title of the bill, unless the reading at length be demanded. The first and third readings shall be at length.

SEC. 18. The enacting clause of a law shall be: "Be it enacted by the legislature of the State of Dakota," and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken upon its last reading and the yeas and nays shall be entered upon the Journal.

SEC. 19. The presiding officer of each house shall, in the presence of the house over which he shall preside, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing, shall be entered upon the Journal.

SEC. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

SEC. 21. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 22. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act), the legislature shall by a vote of two-thirds of all the members of each house, otherwise direct.

SEC. 23. The legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorces.

2. Changing the names of persons or places, or constituting one person the heir-at-law of another.

3. Locating or changing county-seats.

4. Regulating county and township affairs.

5. Incorporating cities, towns and villages or changing or amending the charter of any town, city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and public grounds.

6. Providing for sale or mortgage of real estate belonging to minors or others under disability.

7. Authorizing persons to keep ferries across streams wholly within the State.

8. Remitting fines, penalties or forfeitures.

9. Granting to an individual, association or corporation any special or exclusive privilege, immunity or franchise whatever.

10. Providing for the management of common schools.

11. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

But the legislature may repeal any existing special law relating to the foregoing subdivisions.

In all other cases where a general law can be applicable, no special law shall be enacted.

SEC. 24. The legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

SEC. 25. The legislature shall not authorize any game of chance, lottery or gift enterprise, under any pretense, or for any purpose whatever.

SEC. 26. The legislature shall not delegate to any special commission, private corporation or association any power to make supervise or interfere with any municipal improvement, money, property, effects, whether held in trust or otherwise, or levy taxes or to select a capital site or to perform any municipal functions whatever.

SEC. 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 28. Any person who shall give, demand, offer, directly or indirectly, any money, testimonial, privilege or personal advantage, anything of value to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the legislature, or of public officers of the State, or any municipal division thereof, and any effort towards solicitation of said members of the legislature or officers to influence their official action, shall be defined by law and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense or bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid, shall be disqualified from holding any office or position or office of trust or profit in this State.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a Governor who shall hold his office two years; a Lieutenant Governor who shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided two years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but if two or more shall have an equal and highest number of votes for Governor or Lieutenant Governor, the two houses of the legislature at it next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor and Lieutenant Governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment; provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life or for a longer term than two years, or a fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted or fine remitted except upon the recommendation in writing of a board of pardons, consisting of the presiding Judge, Secretary of State and Attorney General, after full hearing in open session, and such recommendation, with the reasons therefor, shall be filed in the office of the Secretary of State; but the legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each regular session, each case of remission of fine, reprieve, commutation or pardon granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of the death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 7. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor the Lieutenant Governor shall be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office shall from any cause become vacant and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill such vacancy by appointment.

SEC. 9. Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign; but if not, he shall return it with his objection to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for and against the bill shall be entered upon the Journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented by him, the same shall be a law, unless the legislature shall by its adjournment prevent its return; in which case it shall be filed, with his objection, in the office of the Secretary of State, within ten days after such adjournment or become a law.

SEC. 10. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items and part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature, or who threatens any member that he, the said Governor, will remove any person or persons from office or position with intent to in any manner influence the official action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereon shall forfeit all right to hold or exercise any office of trust or honor in this State.

SEC. 12. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislature, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands, and Attorney General, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of Treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.

SEC. 13. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands and Attorney General shall be as prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers of the State, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, circuit courts, county courts and justices of the peace, and such other courts as may be created by law for cities and incorporated towns.

SUPREME COURT.

SEC. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC 3. The Supreme Court and the judges thereof shall have power to issue writs of habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be provided by law, provided, however, that no jury trials shall be allowed in said Supreme Court, but, in proper cases, questions of fact may be sent by said court to a circuit court to a trial before a jury.

SEC. 4. At least two terms of the Supreme Court shall be held each year at the seat of government.

SEC. 5. The Supreme Court shall consist of three judges, to be chosen from districts by qualified electors of the State at large, as hereinafter provided.

SEC. 6. The number of said judges and districts may, after five years from the admission of this State under this Constitution, be increased by law to not exceeding five.

SEC. 7. A majority of the judges of the Supreme Court shall be necessary to form a quorum or to pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a certain day.

SEC. 8. The term of the judges of the Supreme Court, who shall be elected at the first election under this Constitution, shall be four years. At all subsequent elections the term of said judges shall be six years.

SEC. 9. The judges of the Supreme Court shall by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule.

SEC. 10. No person shall be eligible to the office of judge of the Supreme Court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this State or the Territory at least two years next preceding his election and at the time of his election be a resident of the district from which he is elected, but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

SEC. 11. Until otherwise provided by law, the districts from which the said judges of the Supreme Court shall be elected, shall be constituted as follows:

First District—All that portion of the State lying west of the Missouri river.

Second District—All that portion of the State lying east of the Missouri river and south of the second standard parallel.

Third District—All that portion of the State lying east of the Missouri river and north of the second standard parallel.

SEC. 12. There shall be a clerk and also a reporter of the Supreme Court, who shall be appointed by the judges thereof, and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the Supreme Court not inconsistent with law. The legislature shall make provision for the publication and distribution of the decisions of the Supreme Court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to secure any copyright to such decisions, but if any copyrights are secured they shall inure wholly to the benefit of the State.

SEC. 13. The Governor shall have authority to require the opinions of the judges of the Supreme Court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

CIRCUIT COURTS.

SEC. 14. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this Constitution; such jurisdiction as to value and amount and grade of offense, may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

SEC. 15. The State shall be divided into judicial circuits in each of which there shall be elected by the electors thereof one judge of the circuit court therein, whose term of office shall be four years.

SEC. 16. Until otherwise ordered by law, said circuits shall be six in number and constituted as follows, viz:

First circuit: The counties of Union, Clay, Yankton, Bon-Homme, Hutchinson, Charles Mix and Douglas.

Second circuit: The counties of Lincoln, Turner, Minnehaha, McCook, Moody, Lake and Miner.

Third circuit: The counties of Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Marshall, Roberts, Day, and the Wahpeton and Sisseton reservation, and all that strip of territory now included between the north line of the county of Day and Roberts and the forty-sixth parallel of north latitude.

Fourth circuit: The counties of Beadle, Sanborn, Davison, Aurora, Brule, Buffalo, Jerauld and Hanson.

Fifth circuit: The counties of Brown, Hand, Hyde, Hughes, Sully, Potter, Faulk, Edmunds, Walworth, Campbell, McPherson and Spink and all that portion of said State lying east of the Missouri river, not included in any other judicial circuit.

Sixth circuit: All that portion of the said State lying west of the Missouri river.

SEC. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the State into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines, but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 18. Writs of error and appeals may be allowed from the decisions of the circuit courts to the Supreme Court under such regulations as may be prescribed by law.

COUNTY COURTS.

SEC. 19. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.

SEC. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate guardianship and settlement of the estates of deceased persons and such other civil and criminal jurisdiction as may be conferred by law, provided that such courts shall not have jurisdiction in any case where the debt, damage, claim or value of property involved shall exceed one thousand dollars, except in matters of probate guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the Supreme Court in such cases and in such manner as may be prescribed by law, provided that no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

SEC. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legislature may provide.

JUSTICE OF THE PEACE.

SEC. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATE.

SEC. 23. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively, and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.

STATE'S ATTORNEY.

SEC. 24. The legislature shall have power to provide for State's attorneys and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of attorney general or State's attorney who shall not at the time of his election be at least twenty-five years of age and possess all the other qualifications for judges of circuit courts as prescribed in this article.

MISCELLANEOUS.

SEC. 25. No person shall be eligible to the office of judge of the circuit or county courts unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this State or Territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected.

SEC. 26. The judges of the Supreme Court, circuit courts and county courts shall be chosen at the first election held under the provisions of this Constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may, for the purpose of making such provision, extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the State, shall expire on the same day.

SEC. 27. The time of holding courts within said judicial circuits and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 28. Special terms of said courts may be held under such regulations as may be provided by law.

SEC. 29. The judges of the circuit courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.

SEC. 30. The judges of the Supreme Court, circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this Constitution, and no such judge shall receive any compensation, perquisite or emoluments for or on account of his office in any form whatever, except such salary; provided, that county judges may accept and receive such fees as may be allowed under the land laws of the United States.

SEC. 31. No judge of the Supreme Court or circuit courts shall act as attorney or counselor at law, nor shall any county judge act as attorney or counselor at law in any case which is or may be brought into his court or which may be appealed therefrom.

SEC. 32. There shall be a clerk of the circuit court in each organized county, who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

SEC. 33. Until the legislature shall provide by law for fixing the terms of courts, the judges of the Supreme, circuit and county courts, respectively, shall fix the terms thereof.

SEC. 34. All laws relating to courts shall be general and of uniform operation throughout the State, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of such of the proceedings, judgments and decrees of such courts severally shall be uniform; provided, however, that the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

SEC. 35. No judge of the Supreme or circuit courts shall be elected to any other than a judicial office, or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the Supreme Court, circuit court or county court, given by the legislature or the people, shall be void.

SEC. 36. All judges or other officers of the Supreme, circuit or county courts provided for in this article shall hold their offices

until their successors respectively are elected or appointed and qualified.

SEC. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election, as follows: All judges of the Supreme, circuit and county courts by the Governor. All other judicial and other officers by the county board of the county where the vacancy occurs; in cases of police magistrates, by the municipality.

SEC. 38. All process shall run in the name of the "State of Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of Dakota."

ARTICLE VI.

BILL OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. No person shall be deprived of life, liberty or property without due process of law.

SEC. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the State. No person shall be compelled to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the State shall be given or appropriated for the benefit of any sectarian or religious society or institution.

SEC. 4. The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published, with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

SEC. 6. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record, and for the decision of civil cases by three-fourths of the jury in any court.

SEC. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety may require it.

SEC. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

SEC. 10. No person shall be held for a criminal offense unless on the presentment or indictment of a grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger; provided, that the grand jury may be modified or abolished by law.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SEC. 12. No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant of privilege, franchise or immunity, shall be passed.

SEC. 13. Private property shall not be taken for public use or damaged, without just compensation as determined by a jury, which shall be paid as soon as it can be ascertained, and before possession is taken. No benefit which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken.

SEC. 14. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

SEC. 15. No person shall be imprisoned for debt arising out of or founded upon a contract.

SEC. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be equal and uniform.

SEC. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

SEC. 19. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the State, under regulations to be prescribed by the legislature.

SEC. 20. All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

SEC. 21. No power of suspending law shall be exercised, unless by the legislature or its authority.

SEC. 22. No person shall be attainted of treason or felony by the legislature.

SEC. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

SEC. 24. The right of the citizens to bear arms in defense of themselves and the State shall not be denied.

SEC. 25. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

SEC. 26. All political power is inherent in the people and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of

government in such manner as they may think proper. And the State of Dakota is an inseparable part of the American union, and the Constitution of the United States is the supreme law of the land.

SEC. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

ARTICLE VII.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION 1. Every male person resident of this State who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, or who shall have resided in the United States one year, in this State six months, in the county thirty days and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First: Citizens of the United States.

Second: Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

SEC. 2. The legislature shall at its first session after the admission of the State into the Union, submit to a vote of the electors of the State the following question to be voted upon at the next general election held thereafter, namely: "Shall the word 'male' be stricken from the article of the Constitution relating to elections and the right of suffrage." If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this State.

SEC. 3. All votes shall be by ballot, but the legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

SEC. 4. All general elections shall be biennial.

SEC. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of elections, except in time of war or public danger.

SEC. 6. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

SEC. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 8. No person under guardianship, non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 9. Any woman having the qualifications enumerated in section 1 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote at any election held solely for purposes and may hold any office in this State, except as otherwise provided in this Constitution.

ARTICLE VIII.

EDUCATION AND SCHOOL LANDS.

SECTION 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the State; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the State by escheat; the proceeds of all gifts or donations to the State for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the State. It shall be deemed a trust fund held by the State. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

SEC. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State, and shall be for this purpose apportioned among and between all the several public school corporations of the State in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the State.

SEC. 4. After one year from the assembling of the first legislature, the lands granted to the State by the United States for the use of public schools may be sold upon the following conditions and no other: Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the State, and the legislature shall, subject to the provisions of this article, provide for the sale of the same.

The Commissioner of School and Public Lands, the State Auditor and the County Superintendent of Schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale, at their actual value under the terms of sale. They shall take care first to select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

SEC. 5. No lands shall be sold for less than the appraised value and in no case for less than ten dollars an acre, unless after the year A. D. nineteen hundred, two consecutive legislatures concur in a law otherwise directing. The purchaser shall pay one-fourth of the price in cash and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years and one-fourth in fifteen years, with interest thereon at the rate of not less than six per centum per annum, payable annually in advance; but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres and those so subdivided in the smallest subdivisions. All lands designated for sale not sold within four years after appraisal, shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

SEC. 6. All sales shall be conducted through the office of the Commissioner of School and Public Lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

SEC. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, agricultural college, normal schools or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such land as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses therefrom that shall in any manner occur.

SEC. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers and boards under the same limitations, and subject to all the conditions as to price, sale and approval provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

SEC. 9. No lands mentioned in this article shall be leased except for pasturage and meadow purposes and at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the Governor.

SEC. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

SEC. 11. The moneys of the permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within this State as hereinafter provided, or in bonds of school corporations within the State, or in bonds of the United States, or of the State of Dakota. The legislature shall provide by law the method of determining the amounts of said funds which shall be invested from time to time in such classes of securities respectively, taking care to secure continuous investments as far as possible.

All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, shall for such purpose be divided among the organized counties of the State in proportion to population as nearly as provisions by law to secure continuous investments may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date of receipt until returned because not loaned; and in case of loss to any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said moneys in bonds of school corporations, or in first mortgages upon good improved farm lands within their limits respectively; but no farm loan shall exceed five hundred dollars to any one person, nor shall it exceed one-half the valuation of the lands as assessed for taxation, and the rate of interest shall not be less than six per centum per annum, and shall be such other and higher rate as the legislature may provide, and shall be payable semi-annually on the first days of January and July: provided, that whenever there are moneys of said funds in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be returned to the State treasurer to be entrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi-annually, on the first days of January and July, render an account of the condition of the funds intrusted to it, to the auditor of State, and at the same time pay to or account to the State treasurer for the interest due on all funds intrusted to it.

The legislature may provide by general law that counties may retain from interest collected in excess of six per centum per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the State treasury of interest at the rate provided by law for said loans, except only said one per centum; and in no case shall the interest so to be paid be less than six per centum per annum.

The legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

SEC. 12. The Governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

SEC. 13. All losses to the permanent school or other educational funds of this State which shall have been occasioned by the defalcation, negligence, mis-management or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the fund sustaining the loss upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in article XIII, section 2.

SEC. 14. The legislature shall provide by law for the protection of the school lands from trespass, or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

SEC. 15. The legislature shall make such provisions by general taxation, and by authorizing the school corporations to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the State.

SEC. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the State, or any county or municipality within the State, nor shall the State or any county or municipality within the State accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.

SEC. 17. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State, under such penalties as shall be provided by law.

ARTICLE IX.

COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines; but no new county shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without dividing a township or fractional

township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified. All changes in county boundaries in counties already organized, before taking effect, shall be submitted to the electors of the county or counties to be affected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

SEC. 2. In counties already organized where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving the majority of all votes cast at said election shall be the county seat of said county.

SEC. 3. Whenever a majority of the legal voters of any organized county shall petition the county board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said county board shall submit the same to the people of said county at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election, then the county seat shall be changed, otherwise not. A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of four years.

SEC. 4. The legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

SEC. 5. In each organized county at the first general election held after the admission of the State of Dakota into the union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, State's attorney, surveyor, coroner and superintendent of schools, whose terms of office respectively shall be two years, and except the clerk of the court, no person shall be eligible for more than four years in succession to any of the above named offices.

SEC. 6. The legislature shall provide by general law for such county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers.

SEC. 7. All county, township and district officers shall be electors in the county, township or district in which they are elected, provided that nothing in this section shall prevent the holding of school offices by any person as provided in section 9, article VII.

ARTICLE X.

MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than all corporations of the same class. The legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to any other.

SEC. 3. No street passenger railway or telegraph or telephone line shall be constructed within the limits of any village, town or city without the consent of its local authorities.

ARTICLE XI.

REVENUE AND FINANCE.

SECTION 1. The legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the State for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. And whenever it shall appear that such ordinary expenses shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient with other resources of income to pay the deficiency of the preceding year together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt, provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State as ascertained by the last assessment made for State and county purposes.

SEC. 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement and assessment as may be prescribed by the legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property. And the legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. The legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. The property of the United States and of the State, county and municipal corporations, both real and personal shall be exempt from taxation.

SEC. 6. The legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for schools, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

SEC. 7. All laws exempting property from taxation, other than that enumerated in sections 5 and 6 of this article, shall be void.

SEC. 8. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

SEC. 9. All taxes levied and collected for State purposes, shall be paid into the State treasury. ~~No indebtedness shall be incurred or money~~ expended by the State, and no warrants shall be drawn upon the State treasury except in pursuance of an appropriation for the specific purpose first made. The legislature shall provide by suitable enactment for carrying this section into effect.

SEC. 10. The legislature may vest the corporate authority of cities, towns and villages, with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

SEC. 11. The making of profit, directly or indirectly, out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

SEC. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

ARTICLE XII.

PUBLIC ACCOUNTS AND EXPENDITURES.

SECTION 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

SEC. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the State, the current expenses of State institutions, interest on public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the legislature.

SEC. 3. The legislature shall never grant any extra compensation to any public officer, employe, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the State, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office; provided, however, that the legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the legislature shall provide, and such statement shall be submitted to the legislature at the beginning of each regular session by the Governor with his message.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State nor any county, township or municipality shall loan or give its credit or make donations to or in aid of any individual, association or corporation except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor pay or become responsible for the debt or liability of any individual, association or corporation; provided, that the State may assume or pay such debt or liability when incurred in time of war for the defense of the State. Nor shall the State engage in any work of internal improvement.

SEC. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the State may contract debts never to exceed with previous debts in the aggregate $500,000, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the State or the United States in war, and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose, or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise, shall be irrepealable until such debt is paid.

SEC. 3. The debt of any county, city, town, school district, or other subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein. In estimating the amount of indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of this Constitution shall be included.

SEC. 4. Any city, county, town, school district or any other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable until such debt be paid.

SEC. 5. Consent is given that congress may make such provision for the payment by this State of the existing indebtedness of the Territory of Dakota as it shall deem just and equitable, and this State shall assume and pay so much thereof as congress may provide.

ARTICLE XIV.

STATE INSTITUTIONS.

SECTION 1. The charitable and penal institutions of the State of Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind and a reform school.

SEC. 2. The State institutions provided for in the preceding section shall be under the control of a State Board of Charities and Corrections, under such rules and restrictions as the legislature shall provide; such board to consist of not to exceed five members, to be appointed by the Governor and confirmed by the senate, and whose compensation shall be fixed by law.

SEC. 3. The State university, the agricultural college, the normal schools and other educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of nine members, appointed by the Governor and confirmed by the senate, to be designated the regents of education. They shall hold their office for six years, three retiring every second year.

The regents in connection with the faculty of each institution shall fix the course of study in the same.

The compensation of the regents shall be fixed by the legislature.

SEC. 4. The regents shall appoint a board of five members for each institution under their control, to be designated the board of trustees. They shall hold office for five years, one member retiring annually. The trustees of each institution shall appoint the faculty of the same, and shall provide for the current management of the institution, but all appointments and removals must have the approval of the regents to be valid. The trustees of the several institutions shall receive no compensation for their services but they shall be reimbursed for all expenses incurred in the discharge of their duties, upon presenting an itemized account of the same to the proper officer. Each board of trustees at its first meeting shall decide by lot the order in which its members shall retire from office.

SEC. 5. The legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the State.

ARTICLE XV.

MILITIA.

SECTION 1. The militia of the State of Dakota shall consist of all able-bodied male persons residing in the State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State.

SEC. 2. The legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia and

the establishment of volunteer and such other organizations, or both, as may be deemed necessary for the protection of the State, the preservation of order and the efficiency and good of the service.

SEC. 3. The legislature, in providing for the organization of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 4. All militia officers shall be commissioned by the Governor, and may hold their commissions for such period of time as the legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a court-martial, pursuant to law.

SEC. 5. The militia shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections, and in going to and returning from the same.

SEC. 6. All military records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the Adjutant General, as an enduring memorial of the patriotism and valor of Dakota; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

SEC. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

ARTICLE XVI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant Governor is on trial, the presiding judge of the Supreme Court shall preside.

SEC. 3. The Governor and other State and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for drunkenness or gross incompetency in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

ARTICLE XVII.

CORPORATIONS.

SECTION 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State; but the legislature shall provide by general laws for the organization of all corporations hereafter to be created.

SEC. 2. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

SEC. 3. The legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

SEC. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate or distribute them upon two or more candidates as he may prefer.

SEC. 6. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 8. No corporation shall issue stocks or bonds except for money, labor done or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty day's notice given in pursuance of law.

SEC. 9. The legislature shall have the power to alter, revise or annul any charter of any corporation now existing and revocable at the taking effect of this Constitution, or any that may be created, whenever in their opinion it may be injurious to the cities of this State; in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 10. No law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad

SEC. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this State, and to connect the same with other lines; and the legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire by purchase or otherwise any other competing line of telegraph.

SEC. 12. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of its stock shall be made

and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom, the transfers of said stock; the amount of its assets and liabilities and the names and place of residence of its officers, The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 13. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no laws exempting such property from execution and sale.

SEC. 14. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

SEC. 15. Railways heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight, as such common carriers from one point to another in this state.

SEC. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 17. The legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

SEC. 18. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

SEC. 19. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVIII.

BANKING AND CURRENCY.

SECTION 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this State of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in the approved securities of the State or of the United States, to be rated at ten per cent below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

SEC. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed; but the legislature may provide by general law for the reorganization of such banks.

SEC. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

ARTICLE XIX.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the members of the house of representatives of the United States apportioned to this State shall be elected by the State at large.

SEC. 2. Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned, as follows:

SENATORIAL DISTRICTS.

District No. 1 shall consist of the county of Union and be entitled to one senator.

District No. 2 shall consist of the county of Clay and be entitled to one senator.

District No. 3 shall consist of the county of Yankton and be entitled to one senator.

District No. 4 shall consist of the county of Bon Homme and be entitled to one senator.

District No. 5 shall consist of the county of Lincoln and be entitled to one senator.

District No. 6 shall consist of the county of Turner and be entitled to one senator.

District No. 7 shall consist of the county of Hutchinson and be entitled to one senator.

District No. 8 shall consist of the counties of Douglas and Charles Mix and be entitled to one senator.

District No. 9 shall consist of the county of Minnehaha and be entitled to two senators.

District No. 10 shall consist of the county of Brule and be entitled to one senator.

District No. 11 shall consist of the counties of Aurora and Jerauld and be entitled to one senator.

District No. 12 shall consist of the county of Davison and be entitled to one senator.

District No. 13 shall consist of the counties of McCook and Hanson and be entitled to one senator.

District No. 14 shall consist of the counties of Moody and Lake and be entitled to one senator.

District No. 15 shall consist of the counties of Sanborn and Miner and be entitled to one senator.

District No. 16 shall consist of the county of Brookings and be entitled to one senator.

District No. 17 shall consist of the county of Kingsbury and be entitled to one senator.

District No. 18 shall consist of the county of Beadle and be entitled to one senator.

District No. 19 shall consist of the counties of Hand and Buffalo and be entitled to one senator.

District No. 20 shall consist of the counties of Codington and Deuel and be entitled to one senator.

District No. 21 shall consist of the counties of Clark and Hamlin and be entitled to one senator.

District No. 22 shall consist of the counties of Grant and Roberts and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 23 shall consist of the counties of Marshall and Day and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 24 shall consist of the county of Spink and be entitled to one senator.

District No. 25 shall consist of the county of Brown and the territory north thereof and south of the 46th parallel and be entitled to two senators.

District No. 26 shall consist of the counties of McPherson, Edmunds and Faulk and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 27 shall consist of the counties of Walworth, Potter, Sully and Campbell and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 28 shall consist of the counties of Hyde and Hughes and be entitled to one senator.

District No. 29 shall consist of the counties of Lawrence and Butte and be entitled to two senators.

District No. 30 shall consist of the counties of Pennington, Custer and Fall River and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

District No. 1 shall consist of the county of Union and be entitled to three representatives.

District No. 2 shall consist of the county of Clay and be entitled to two representatives.

District No. 3 shall consist of the county of Yankton and be entitled to four representatives.

District No. 4 shall consist of the county of Bon Homme and be entitled to three representatives.

District No. 5 shall consist of the county of Lincoln and be entitled to three representatives.

District No. 6 shall consist of the county of Turner and be entitled to three representatives.

District No. 7 shall consist of the county of Hutchinson and be entitled to three representatives.

District No. 8 shall consist of the county of Douglas and be entitled to one representative.

District No. 9 shall consist of the county of Charles Mix and be entitled to one representative.

District No. 10 shall consist of the county Minnehaha and be entitled to four representatives.

District No. 11 shall consist of the county of McCook and be entitled to two representatives.

District No. 12 shall consist of the county of Hanson and be entitled to two representatives.

District No. 13 shall consist of the county of Davison and be entitled to one representative.

District No. 14 shall consist of the county of Aurora and be entitled to two representatives.

District No. 15 shall consist of the county of Brule and be entitled to three representatives.

District No. 16 shall consist of the county of Moody and be entitled to two representatives.

District No. 17 shall consist of the county of Lake and be entitled to two representatives.

District No. 18 shall consist of the county of Miner and be entitled to two representatives.

District No. 19 shall consist of the county of Sanborn and be entitled to two representatives.

District No. 20 shall consist of the county of Jerauld and be entitled to one representative.

District No. 21 shall consist of the county of Brookings and be entitled to three representatives.

District No. 22 shall consist of the county of Kingbury and be entitled to two representatives.

District No. 23 shall consist of the county of Beadle and be entitled to five representatives.

District No. 24 shall consist of the counties of Hand and Buffalo and be entitled to three representatives.

District No. 25 shall consist of the county of Hyde and be entitled to one representative.

District No. 26 shall consist of the county of Hughes and be entitled to two representatives.

District No. 27 shall consist of the county of Sully and be entitled to one representative.

District No. 28 shall consist of the county of Deuel and be entitled to two representatives.

District No. 29 shall consist of the county of Grant and be entitled to two representatives.

District No. 30 shall consist of the county of Roberts and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 31 shall consist of the county of Hamlin and be entitled to one representative.

District No. 32 shall consist of the county of Codington and be entitled to two representatives.

District No. 33 shall consist of the county of Clark and be entitled to two representatives.

District No. 34 shall consist of the county of Spink and be entitled to five representatives.

District No. 35 shall consist of the county of Faulk and be entitled to one representative.

District No. 36 shall consist of the county of Potter and be entitled to one representative.

District No. 37 shall consist of the county of Marshall and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 38 shall consist of the county of Day and be entitled to two representatives.

District No. 39 shall consist of the county of Brown and the territory north thereof and south of the 46th parallel and be entitled to four representatives.

District No. 40 shall consist of the county of Edmunds and be entitled to one representative.

District No. 41 shall consist of the county of Walworth and be entitled to one representative.

District No. 42 shall consist of the county of McPherson and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 43 shall consist of the county of Campbell and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 44 shall consist of the counties of Fall River and Custer and be entitled to one representative.

District No. 45 shall consist of the county of Pennington and be entitled to one representative.

District No. 46 shall consist of the county of Lawrence and be entitled to four representatives.

District No. 47 shall consist of the county of Butte and be entitled to one representative.

ARTICLE XX.

SEAT OF GOVERNMENT.

SECTION 1. The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed State of Dakota in the same manner and at the same election at which this Constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

SEC. 2. The legislature at its first session after the admission of this State, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the State at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

SEC. 3. Should no place voted for at said election have a majority of all votes cast upon this question, the Governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

ARTICLE XXI.

MISCELLANEOUS.

SECTION 1. SEAL AND COAT OF ARMS.—The design of the great seal shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other pictures of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the State of Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words "State of Dakota." In the lower part the words "Great Seal," and the date in Arabic numerals of the year in which the State be admitted to the Union.

SEC. 2. COMPENSATION OF PUBLIC OFFICERS.—The Governor shall receive an annual salary of two thousand five hundred dollars; the judges of the Supreme Court shall each receive an annual salary of two thousand five hundred dollars; the judges of the circuit courts shall each receive an annual salary of two thousand dollars; provided that the legislature may, after the year one thousand, eight hundred and ninety, increase the annual salary of the Governor and each of the judges of the Supreme Court to three thousand dollars, and the annual salary of each of the circuit judges to two thousand five hundred dollars.

The Secretary of State, State Treasurer and State Auditor shall each receive an annual salary of one thousand eight hundred dollars; the Commissioner of School and Public Lands shall receive an annual salary of one thousand eight hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand eight hundred dollars; the Attorney General shall receive an annual salary of one thousand dollars; the compensation of Lieutenant Governor shall be double the compensation of a State senator.

They shall receive no salary or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase the salaries of the officers named in this article except as herein provided.

SEC. 3. OATH OF OFFICE.—Every person elected or appointed to any office in this State, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office.

SEC. 4. EXEMPTIONS.—The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

SEC. 5. RIGHTS OF MARRIED WOMEN.—The real and personal property of any woman in this State, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

ARTICLE XXII.

COMPACT WITH THE UNITED STATES.

The following article shall be irrevocable without the consent of the United States and the people of this State: First, that perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands of the United States lying within the State, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without this State, shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

ARTICLE XXIII.

AMENDMENTS AND REVISIONS OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and it shall be the duty of the legislature to submit such proposed amendment or amendments to the vote of the people at the next general election. And if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this Constitution, provided, that the amendment or amendments so proposed shall be published for a period of twelve weeks previous to the date of said election, in such manner as the legislature may provide; and provided further, that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a Convention to revise this Constitution they shall recommend to the electors to vote at the next election for members of the legislature, for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the legislature shall, at their next session, provide by law for calling the same. The Convention shall consist of as many members as the house of representatives and shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XXIV.

PROHIBITION.

[To be submitted to a separate vote as provided by the schedule and ordinance.]

No person or corporation shall manufacture, or aid in the manufacture for sale, any intoxicating liquor; no person shall sell or keep for sale as a beverage any intoxicating liquor. The legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable and adequate penalties for the violation thereof.

ARTICLE XXV.

MINORITY REPRESENTATION.

[To be submitted to a separate vote as provided by the schedule and ordinance.]

SECTION 1. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the first general election held after this Constitution takes effect, and every two years thereafter.

SEC. 2. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

SCHEDULE AND ORDINANCE.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Dakota, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Dakota, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the Territory of Dakota, shall accrue to the use of the State.

SEC. 4. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid and shall pass over to and may be prosecuted in the name of the State; and all bonds, obligations or other undertaking executed by this Territory, or to any officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superseded under this Constitution.

SEC. 6. The first meeting of the legislature shall be held at such time and place as shall be selected under the provisions of this Constitution and Ordinance and Schedule.

SEC. 7. The legislature elected under the provisions of this Ordinance, shall assemble at the place fixed by this Schedule and Ordinance on the second Monday in December, in the year of our Lord one thousand eight hundred and eighty-five; and on the first day of their assemblage the Governor and other State officers shall take the oath of office in the presence of the legislature. The oath of office shall be administered to the senators and representatives of the legislature, and to the State officers by the Chief Justice of the Territory, or by the President of the State Executive Committee, or by any officer duly authorized by the laws of the Territory to administer oaths.

SEC. 8. Immediately after the organization of the legislature and the qualification under oath of the State officers, both houses of the legislature shall then and there proceed to elect two senators of the United States, for the State of Dakota. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives, shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said senators certifying his election, which certificates shall also be signed by the Governor and attested by the Secretary of State.

SEC. 9. This Constitution shall be submitted for adoption or rejection, to a vote of the electors, qualified by the laws of this Territory to vote at all elections, at the election to be held on the Tuesday next after the first Monday in November, A. D. 1885. At the said election the ballots shall be in the following form:

For the Constitution: Yes. No.

For Prohibition: Yes. No.

For Minority Representation: Yes. No.

And as a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons desiring to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution, or against any article submitted separately, may erase the word "yes."

Any person may have printed or written on his ballot only the words "for the Constitution" or "against the Constitution," and such ballots shall be counted for or against the Constitution accordingly. The same provision shall apply to articles submitted separately.

In addition to the foregoing election for the Constitution, and for the articles submitted by this Convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following State officers, to be voted for on the same ballot as is above provided for votes on the Constitution and separate articles, to wit: A Governor, a Lieutenant Governor and all other State and judicial officers which are provided for in this Constitution.

At the same time and places of election, there shall be held an election, by the said qualified electors, within their respective districts for representatives and senators for the State legislature, and for two representatives in congress.

All the aforesaid elections above provided for, shall be held in the same manner and form as provided for the election for the adoption or rejection of the Constitution. And the names of all such officers above specified, to be voted for at such election, shall be written or printed upon the same ballots as the vote for or against the Constitution.

The judges of elections in counting the ballots voted at said election, shall count all the affirmative ballots upon the Constitution as votes for the Constitution; and they shall count all the negative ballots voted at said election upon the Constitution, as votes against the Constitution; and ballots voted at said election upon which neither of said words, yes or no, following the words "for the Constitution" are erased, shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on prohibition, separately submitted, as votes for such article. And they shall count all negative ballots

so voted upon such article, as votes against such article. And ballots upon which neither of the words, yes or no, following the words "for prohibition"' are erased shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on minority representation, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article, as votes against such article. And ballots upon which neither of said words, yes or no, following the words "for minority representation" are erased, shall not be counted upon such proposition.

If it shall appear, in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election, for and against the Constitution, are for the Constitution, then this Constitution shall be the Constitution of the State of Dakota. If it shall appear, according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against "prohibition" are for prohibition, then said article XXIV shall be and form a part of this Constitution, and be in full force and effect as such from the date of said election.

But if a majority of said votes shall appear, according to said returns, to be against prohibition, then article XXIV shall be null and void and shall not be a part of this Constitution.

And if it shall appear according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against minority representation are for minority representation, then article XXV shall be and form a part of said Constitution, and be in full force and effect as such from the date of said election, and all sections and parts of sections of said Constitution which conflict with said article shall be thereby repealed, and be null and void.

But if a majority of said votes shall appear according to said returns to be against minority representation, then said article XXV shall be null and void and shall not be a part of this Constitution.

At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election, shall be declared elected to said office.

SEC. 10. At the same time and places of election there shall be held by said qualified electors an election for the place of meeting for the first legislature and for the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for or against, as hereinbefore provided, shall be written or printed the words "for temporary seat of government."

(Here insert the name of the city, town or place to be voted for.)

And upon the canvass and return of the votes made, as hereinafter provided for, the name of the city, town or place which shall have received the largest number of votes for said temporary seat of government, shall be declared by the State Executive Committee, together with the whole number of votes cast for each city, town or place. And the State Executive Committee shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the legislature elected at said election to assemble at said city, town or place so elected, on the day fixed by this Schedule and Ordinance.

SEC. 11. There shall be elected by this Convention as soon as possible after the adoption of this Schedule and Ordinance a State Executive Committee, consisting of seven members, and the persons thus elected are Hugh J. Campbell, Joseph R. Hanson, E. P. Beebe, S. G. Updyke, John Cain, James A. Ward, A. J. Simmons; one of whom, to wit, Hugh J. Campbell, who is elected by this Convention as such, shall be President of the State Executive Committee. Said State Executive Committee shall exercise the powers and perform the duties hereinafter conferred upon it and shall continue in office until the assembling and organization of the State legislature. The State Executive Committee herein provided for shall meet and organize in the city of Sioux Falls immediately and before this Convention shall adjourn, by the election of a Secretary and such other officers, excepting President, as may be necessary.

SEC. 12. Said State Executive Committee shall have full power to do and perform all things necessary to the carrying into effect of the provisions of this Schedule and Ordinance with regard to elections, and to this end they shall have full power to make all necessary rules and regulations for such purpose; they shall make and issue instructions and regulations with regard to the details not herein provided for, or not provided for by law, as to the elections held in pursuance of this Schedule and Ordinance. They shall have power to fill all vacancies in their own number, and they may in case of necessity call an adjourned meeting of this Convention; they shall fix their own times and places of meeting, and three members shall constitute a quorum, with power to transact business. Any member may in writing delegate his power to act on the committee to another member thereof.

SEC. 13. Should this Constitution be adopted and ratified by the votes of the people at the election ordered by this Ordinance, the State Executive Committee shall be vested with full power and authority to do and perform all things necessary to carry out the objects of this Convention.

They shall make all necessary arrangements for rooms for the legislature and for the inauguration of the State Government.

SEC. 14. Said committee shall have power to provide the necessary funds to defray all necessary expenses connected with the performance of their duties and to issue certificates therefor. But an itemized account of all such expenses, sworn to by the President and Secretary of the committee shall be presented by them to the legislature at its first meeting, and the legislature shall provide for the payment of so much thereof as they shall find to have been properly and necessarily expended in the due performance of their duties.

SEC. 15. The election provided for herein shall be conducted in all respects as elections are under the general laws of the Territory. The President of the State Executive Committee is hereby authorized, empowered and required to issue notices of the election herein provided for at least ten days prior thereto, by publication in the newspapers in each county, stating the object of such election, and the officers to be chosen at the same, and shall otherwise conform, as near as may be, to the notices of election provided by law for general elections. Said notices shall also be posted by the several sheriffs and by the county boards of their respective counties, in the manner required by law. The election precincts and polling places shall be the same as now provided by law for the general election. The judges and clerks of election for said election shall be appointed in the manner now prescribed by law. But in case for any reason the said judges and clerks of election are not appointed as above provided, or in case of the refusal, neglect or inability to act of said judges or clerks of election in the election herein provided for, the qualified electors present at the polls may elect said judges and clerks of election. No mere technicality or informality in the manner or form of the election, or neglect of any officer to perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the State of Dakota as expressed by their votes at the polls.

SEC. 16. The President of the State Executive Committee shall appoint in each county a county board, consisting of three

members, which county board shall have and exercise the powers and duties prescribed by this Schedule and Ordinance.

SEC. 17. The judges and clerks of election herein provided for, shall have authority to do and perform all things with regard to said elections that are now required by law of such judges and clerks at general elections, and the canvass and return of the votes shall be in the manner and form now required by law in the case of general elections, or as provided herein.

SEC. 18. Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the votes duly cast at such election, and shall certify and return the result of the same, with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the Constitution, and the number of votes cast for and against prohibition, and the number of votes cast for and against minority representation, and the number of votes cast for each city, town or place, as the "temporary seat of government," to the board of county canvassers of election, provided for by law, of their respective counties, and to the county boards provided by this Schedule and Ordinance, jointly, together with all the ballots, poll lists and election books used in said election.

SEC. 19. Within ten days after such election the several boards of county canvassers provided by law for the canvassing of the results of elections, and the several county boards provided for by this Schedule and Ordinance, of their several counties, shall either or both make and certify under oath, to the President of the State Executive Committee a true and honest return of the total number of votes cast for the Constitution, and against the Constitution, of the number of votes cast for and against "prohibition," and the number of votes cast for and against "minority representation," and the number of votes cast for each city, town or place as the "temporary seat of government," and of the number of votes cast for each person voted for at such election, and shall transmit the same to the President of the State Executive Committee by mail, and shall file for record a duplicate and certified copy of said return with the county clerk of said county.

SEC. 20. The President of the State Executive Committee shall receive all returns of the election transmitted to him as above provided, and shall preserve the same. Within twenty days after said election the President of said State Executive committee, together with such members of said committee as may assemble with him, and with the secretary of the Territory, the chief justice of the Territory, if they will so act, and with such other officers of the Territory as he may associate with him who shall consent to act, shall canvass and compile the certificates and returns of such elections, and shall thereby ascertain the total number of votes cast at such election, the total number of votes cast for the Constitution and against the Constitution, the total number of votes cast for and against "prohibition," and the total number of votes cast for and against "minority representation," and the total number of votes cast for each city, town or place as the "temporary seat of government," and the total number of votes cast for each person voted for, for any office at the said election, and shall declare the result of said election in conformity with such vote and shall make proclamation thereof in the newspapers of the Territory.

They shall also make and certify a list of votes so cast for senators and representatives to the legislature, and a list of the names of the senators and representatives who shall thus be ascertained to be duly elected, and also a list of the names of all officers who shall thus be ascertained to be duly elected. They shall also make and transmit to the State legislature upon the first day of its assemblage, a true return of said election, and of the names of all officers and all representatives and senators of the legislature so elected, and of the number of votes cast for each. Said list of senators and representatives shall constitute the roll with which the senate and the house of representatives shall be organized. They shall also make and transmit to the State legislature, immediately upon its organization, a list of all the State and judicial officers who shall thus be ascertained to have been duly elected, with a return of the number of votes cast for and against each. And it shall thereupon be the duty of the legislature in joint session to canvass and compile said returns for all the said officers, and to declare the result of said election as to said State and judicial officers.

SEC. 21. The President of the State Executive Committee shall issue certificates of election to all persons who shall be ascertained, as above provided, to have been duly elected to any office at such election. The persons receiving the highest number of votes at such election for each office herein named shall be declared elected to said office.

SEC. 22. Any vacancy in the office of the State Executive Committee, shall be filled by the State Executive Committee or a quorum thereof, as soon as may be after said vacancy, at a meeting to be held at the place designated as the official quarters of the said committee.

SEC. 23. The apportionment made in this Constitution shall govern the elections above provided for, for members of the State legislature. At the first election held under this ordinance for senators and representatives of the legislature, there shall be elected thirty-three senators and ninety-nine representatives and these shall be the members of the senate and house of representatives of the State legislature respectively.

SEC. 24. The first legislature assembled after the adoption of this Constitution, shall have power to continue in session a longer time than sixty days, or to adjourn from time to time, and reassemble at the call of such officers as they may prescribe, until the State shall be admitted into the union, or their term of office shall expire.

SEC. 25. The Ordinance and Schedule enacted by this Convention shall be held to be valid for all the purposes thereof.

SEC. 26. The Governnor, representatives to congress and senators of the United States, whose election is provided for in this Schedule and Ordinance, shall, together with two other persons to be selected by the State Executive Committee, constitute a committee whose duty it shall be, in case of the ratification of this Constitution by the people, to present this Constitution to the President and congress of the United States, and request admission of the State thereunder into the union of States. And they shall have power to do and perform all things necessary and proper to carry into effect the purposes for which they are thus appointed.

SEC. 27. The first legislature elected under this Constitution shall, at an early day, take steps to obtain an equitable and proper division of the territorial funds, and the territorial indebtedness existing at the time of the adoption of the Constitution, between the State of Dakota and that portion of the Territory of Dakota not included within the boundaries of the State, such division to take into account the value and cost of the various public institutions located in the two sections respectively, and consent is hereby given that congress may make such provision for the payment by this State of the existing indebtedness of the Territory of Dakota, as it shall deem just and equitable, and this State shall assume and pay so much thereof as congress may provide.

SEC. 28. All the existing archives, records and books belonging to the Territory of Dakota shall belong to and be a part of the public records of the State of Dakota, and be deposited at the seat of government of the said State with the secretary of State.

SEC. 29. This Constitution shall be engrossed and deposited in the office of the secretary of State, and printed copies thereof shall be prefixed to the books containing the laws of the State and all future editions thereof.

SEC. 30. The following form of ballot is adopted:

CONSTITUTIONAL TICKET.

INSTRUCTIONS TO VOTERS.

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, may erase the word "No."

All persons who desire to vote against the Constitution, or any articles separately submitted, may erase the word "Yes."

For the Constitution. Yes. No.

For Prohibition. Yes. No.

For Minority Representation. Yes. No.

For.....as the temporary seat of government.

For Governor.

.....

For Lieutenant Governor.

.....

For Secretary of State.

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For Auditor.

.....

For Treasurer.

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For Attorney General.

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For Superintendent of Public Instruction.

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For Commissioner of School and Public Lands.

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For Judges of the Supreme Court.

First district.....

Second district.....

Third district.....

For Judge of the Circuit Court.....circuit.

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For Judge of the County Court.

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For Representatives in Congress.

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For State Senator.

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For Representatives in the Legislature.

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SEC. 31. The failure to use this form of the ballot herein prescribed shall not vitiate the vote, if the intent of the voter is clearly ascertainable therefrom.

SEC. 32. Nothing in this Constitution or Schedule contained shall be construed to authorize the legislature to exercise any powers except such as are necessary to its organization, to elect United States senators, to provide and pass means and measures necessary, preliminary and incident to admission to the Union, and to assemble and reassemble, and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the congress of the United States.

A. J. EDGERTON, President Constitutional Convention.

HUGH J. CAMPBELL,	H. H. SHEETS,
MANFORD E. WILLIAMS,	A. HAINES,
FRANK ALEXANDER,	JOHN H. PATTEN,
JOHN B. GODDARD,	A. G. KELLAM,
JOSEPH WARD,	E. P. BEEBE,
JOHN A. OWEN,	WM. H. PARKER,
FRANK I. FISHER,	STEPHEN G. UPDYKE,
JAMES A. WARD,	H. J. GRANT,
J. D. MASON,	S. M. BOOTH,
W. M. WRIGHT,	JERE. GEHON,
J. T. DOW,	DANIEL WILCOX,
ISAAC M. WESTFALL,	HENRY NEILL,
J. M. BAKER,	L. H. WEEDON,
S. C. WEATHERWAX,	THEODORE ELFES,
FRANK GAULT,	F. H. CRAIG,
W. H. LICHTENWALLNER,	THEO. D. KANOUSE,
GEO. L. WRIGHT,	C. BUECHLER,
C. J. C. MACLEOD,	WILLIS C. STONE,
DAVID BELLON,	H. H. BLAIR,
J. K. P. MCCALLUM,	JAMES H. MORE,
C. M. REED.	GEO. W. SNOW,
J. P. KENDALL,	N. TYCHSEN,
EDGAR M. JESSUP,	FRED F. B. COFFIN,
W. H. GODDARD,	N. I. LOWTHIAN,
ELIHU I. OAKS,	S. T. HUNTLEY,
JAMES M. FOWLER,	CHAS. S. LOWE,
STEPHEN JONES,	ALBERT GUNDERSON,
C. E ANDRUS,	MATT A. RYAN,
GEORGE C. BRITTON,	A. E. FRANK,
SAMUEL MILLER,	C. M. GREGORY,
W. H. MURPHY,	L. W. LANSING,
B. B. POTTER,	ROBERT J. BROWN,
GEORGE G. CROSE,	ISAAC GRAY,
T. H. CONNIFF,	W. W. BROOKINGS,
J. R. HANSON,	R. A. PROUDFOOT,
C. S. GIFFORD,	G. C. MOODY,
HUGH M. SMITH,	ROBERT DOLLARD,
JOHN DAHL,	ANDREW J. BERDAHL,
MILES WHITE,	W. G. ASHTON,
R. C. TOUSLEY,	R. CRAVEN WALTON,
JOSEPH ALLEN,	C. J. MAYNARD,
M. J. SCHULTZ,	H. F. FELLOWS,
D. CORSON,	GEO. R. LAYBOURN.

Attest: JOHN CAIN, Secretary.